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THE
P R I N C I P L E S
O F

Mr. *Atterbury's* Book,

[*Of the Rights, Powers, and Privileges
of an English Convocation,*]

CONSIDER'D.

AND HIS
A R G U M E N T S

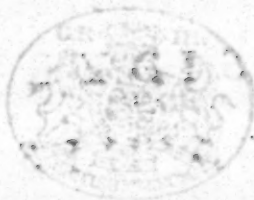
Against Dr. *WAKE*, and Others,
Stated and Examined.

*That Person who under Pretext of maintaining the Church's
Rights, shall impugn the Just Authority of his Sovereign, may
be a more Disloyal Subject in these days, when this Authority is
by the Laws vindicated from Foreign Usurpation, than he
would have been in those days, when such Usurpation was to-
lerated and connived at.*

Mr. *Smalridge's* Animad. on Church-Govern. P. 31.

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P. 101
1875



T H E

P R E F A C E.

I Should have given the World a much earlier Account of Mr. Atterbury's Performance, if the Noise of a Second Edition, Revised with great Care and Exactness, had not put a stop to my design. I am not so fond of Controversy, as to Engage against any man's Errors, while there is any likelihood he will correct them himself. Every one that is a Christian, knows it to be his Duty to rectify his own Mistakes: and I was sensible that Mr. Atterbury might make Discoveries enough, with the Assistance of other men's Labours, and his own honest Endeavours, to convince him that he was not Infallible. But notwithstanding all the new Helps and Advantages he has had, I find upon Examination, that he is defective in a great many things, besides Modesty and Good Manners.

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Pag. 2.

Pag. 6.

Addit.

He declares in the Dedication and Preface, That upon a careful Review of what he has written, no shadow of Doubt remains with him, but that it is Truth, and will stand; and that he has not, after his utmost Searches, found Reason to alter his Mind in any One Particular, upon which the Stress of the Cause can in the least be supposed to lie, or to retract a single Principle that he had advanced on this Argument.

I find Mr. Atterbury little knows what's in the Bulk of the Book, or has unfortunately forgot it. I shall take the Liberty to remind him, that there is as much as will amount to retracting and altering of mind, in some of the most material Points in dispute. And if he will deny that he has altered his Mind, I am sure however he must grant that this Book has contradicted the former. And it were to be wished, that if the Author of the Dedication had not compiled the Book, he would at least have taken the pains to Revise it; that it might not have been usher'd into the World with so confident a denial of a plain matter of fact, and shelter'd too under the Protection of the Two Archbishops.

But I suppose Mr. Atterbury means, that he has not alter'd his Mind in the main design of that Work;

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Work ; which is, in abusing and misrepresenting his Adversary ; in Stating his Arguments unfairly, and in Answering what he never said. As for the Question in debate, Whether it is in the King's Power to permit or forbid the Convocation to sit, after they are Called, he is almost wholly silent ? For that this Power is lodged solely in the King, (and upon this the whole Controversy turns) he has not offered one probable Argument, not cited one Authority, nor produced a single Precedent to disprove.

As for the Power the Convocation has, when suffered to sit ; how far it can Extend without a Royal License ; whether to Treat or Debate about any Matters, he might have produced Dr. Wake's Authority in favour of his Opinion, with greater Reason than any of the Authors he has cited. I am very confident the Doctor has allowed the Convocation more Privilege that way, than he could warrant by any Authority, or by any Precedent ; unless it was one or two of the Convocations of Edw. VI. which had no License ; and yet made Petitions, and treated about some Matters, but came not to any Resolution much farther than to Petition. For the first Convocation (as Mr. Fuller says of another in the same King's Reign) had no Commission from the King to meddle with Church-business ; and

See Page
110. of
Dr. Wake's
Book.

Church-
Hist. l. 7.
p. 420.

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no Convocation can hear Complaints in Religion, nor speak in Redress thereof, till a Commission be granted unto it from Regal Authority. Dr. Wake indeed has gone farther than any Author (except the Writer to a Convocation-Man) before him; and does no-where deny that Liberty of Debating and Petitioning to the Convocation when suffer'd to sit; and therefore Mr. Atterbury acts very unfairly in passing by the Doctor's Authority, especially when he could find no body before on his side.

Mr. Atterbury indeed goes farther than the Doctor, and asserts, That the Convocation may attempt to make Canons without a License. But the Doctor Limits their Power within the Act of Parliament, and denies, That tho' the King should not forbid the Convocation to sit, that they can proceed thus far without the Royal License.

But it is very Observable, that tho' Mr. A. everywhere delivers his Opinions with an assuming and decisive Air, yet he has not produced one Precedent to confirm them: He has not once made it appear, that ever a Convocation since the 25th H. VIII. acted Synodically, or ever attempted to make Canons without a License. Nor has he one single Author on his side, that ever maintained, that they
had

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had a Right by our Constitution so to Act. All his Proofs are Negatives; And all his Arguments of that kind are built upon others being silent in the matter.

But what the Convocation can do, or not do, when met, without the King's License, is but little to the purpose, if the King should prevent their sitting at all. And to this Issue the Matter is now brought; Whether the King has by Law a Power over the Convocation, to hinder their sitting; or whether the Convocation has a Right by Our Constitution to sit, and attend the Parliament during their Session, and the King no Legal Authority to prevent their Attendance?

Now if the Convocation have such a Right, it must be built either upon Law, or Custom. That they have the former on their side, has never yet been claimed. And the other is so far from pleading for them, that there are innumerable Precedents against it. There are Instances sufficient of Convocations being Prorogued by the King, while the Parliament sat; but not one Instance of the King's Right to hinder their sitting, being ever disputed. If the Convocation had that Right, no doubt but we should have heard before now of their putting in their Claim to it; especially when our Kings have taken the Liberty to let them
Sit,

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Sit, or Prorogue them at pleasure. Is His Present Majesty's Prerogative limited more than His Predecessors? Has not he the same Power over the Convocations, which the Late King, and all his Predecessors exercised de Facto; and which our most eminent Reformers, and our most Learned Men, in the Two last Reigns especially, challenged de Jure to belong to them? Or have the Clergy larger Privileges since the late Revolution, new Rules to go by, or new Law to plead for them? If not, whence comes this asserting of a Right, which was never challenged before, since the Reformation? If the Necessities of the Church require it, the Convocation have a Right to sit; and Dr. Wake maintains the same thing; the King is obliged to let them sit; but yet he is not bound to it by the Law of the Land, though he certainly is in Conscience: and he violates that Trust which is deposited in his Hands, if he denies them that Liberty.

But if he thinks it more proper to prevent their Sitting, and that there is no such necessity for a Convocation, he has a Power Lodged in him by the Law of the Land, to prevent it; and the Clergy have no Right by our Constitution to dispute his Authority. They have many times contended for it; and for the Equity of our Laws in placing

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placing it there : But Mr. Atterbury is the first of the Order, that ever pretended Law against it. Whether he is likely to meet with such success, as to encourage more of them to go out of their way to follow him, the proper Interpreters of the Law can best determine.

He tells their Graces in His Dedication, *Pag. 2.* That it has pleased the Divine Goodness to bless his Endeavours with a very favourable Reception ; not only among the Reverend his Brethren of the Clergy, and several of the Right Reverend Fathers of the Church, their Graces Suffragans ; but among many other Good and Wise Men also, who are not of the Function. Granting it be so, he may be never the more in the Right for all this. We saw another Book not very long ago, very much obtain *Against* in the World ; it had a great Run, and met with a *Dr. Bentley.* very favourable Reception ; and yet the Cause it espoused, was never the more believed to be just upon that account. Books may be bought and read for Diversion, and not for the weight of their Arguments. A lucky turn of Words and Thoughts, and a Talent at expressing Malice and Envy successfully ; may give vent to a Book, and advance the Bookseller's Gains very considerably, though it may prove, upon Examination, to have not one jot of Truth in it. But

The Bi-
shop of
Exeter. *But who are these Great and Wise Men that
Espouse his Cause so heartily? He has indeed in-
formed us of one Right Reverend Father, that
appears on his side; and if there had been more of
their Lordships, as well affected, no doubt we
should have heard of them. He can be liberal
enough of his Encomiums upon Good Occasions.
And indeed it may appear, that they are not thrown
away, some time or other.*

*I wonder he has mentioned none of My Lords
the Judges for his Advocates, for then his Cause
must have stood against all Opposition. The Lord
Chief Justice Treby might possibly have been de-
clared of that Persuasion, because he can't answer
for himself, had not that Great Lawyer deliver-
ed himself very publicly against it. What Senti-
ments the rest of their Lordships entertain of it,
'tis to be hoped a little time will shew. We ought
unanimously to desire that they may be called upon to
give their Opinions, that so the Clergy may be
no longer divided in theirs. It is a Matter of
Law, and the Rights and Privileges of the Cler-
gy are stated there; and their Lordships are the
only proper persons to determine what Power the
Laws of the Land have invested them with.
For an Eminent Lawyer (that Mr. A. has cited
upon another Occasion, not at all to his purpose)
has*

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has assured us, That from the beginning of *Mr Bagshaw's Vindic. of his Reading, p 42.* Magna Charta to the End, all the Statutes and Laws concerning the Clergy, are Expounded by the Judges: and that to prove, That the Judges of the Common Law have this Power, is to prove a Principle. We are also, upon other accounts, obliged to stand by their Decisions. They have upon all Occasions shewn their Affection to Our Church; and we have no reason to fear, that they will go against the Truth, to pass Judgment to the Prejudice of the Clergy.

I can't tell what Conjectures to make about the rest of his Friends: I hope he won't venture to tell the World, that the University he was a Member of, or even his own College are of his side. But if he should have the Confidence to say so, I shall beg leave to Reply, That he can never persuade those to believe him, that have read the Animadversions and Reflections upon Church-Government, Publish'd in the late Reign of K. James, by a Learned Member of that Society, with the License of the then Vice-Chancellor; and I think I may add, with the Applause of the whole University, that wish'd well to the Protestant Interest. Men will believe

See Animadversions on the 8 Theses, in a Discourse entit'led, Church-Government, Part the 5th. Printed at Oxford. Also Reflections on the Historical Part of Church Government; both by Mr. Smalridge. Printed at the Theatre 1687.

C

their

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their Senses, and the World is grown more wise and inquisitive, than to be led implicitly into any Persuasion. And therefore it won't be thought so much as probable, that they who sided with that Author, that believed his Cause and Arguments to be just in the last Reign, can ever condemn Dr. Wake in This. For that Judicious Author carries the King's Supremacy as far, and asserts his Power over our Convocations as zealously as the Doctor has lately done. And I shall have some Occasion of shewing it in the following Papers.

Pag. 4.

Mr. Atterbury tells their Graces, He has ventured upon His Address to them the more freely, because Dr. Wake, he finds, has presumed to take the same Liberty with less Reason, and prefix'd one of their Venerable Names to a Book, that as he verily apprehends, subverts the Fundamental Rights and Liberties of the Church and Clergy of England.

If it be so, that Venerable Name ought to stand no longer there: It should not be suffered to remain upon Record as a Testimony to Future Ages, of His Grace's seeming Approbation. And that the Principles upon which the Doctor goes, are, as He declares, in His Grace's Judgment (after he had perused them) such as have nothing in them, that is either contrary to the Doctrines of

Dr. W.
Dedicat.

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of the Church of England, or otherwise injurious to the Rights and Liberties of it.

But what if Dr. Wake should appear after all to have been in the Right ; and that Mr. Atterbury, upon Examination, has neither Law nor Reason, neither Authority nor Christianity to support his Cause? Why then the matter in dispute is just where it was, and as it has been for above this Hundred Years. And the Clergy enjoy the same Privileges, which they willingly have acquiesced in ever since the beginning of Queen Elizabeth. Only a heap of scandalous and dirty Language, quietly suffered to be thrown upon some Men, who not very long ago were thought Eminent for their Services to the Church and Clergy, remains unremoved, and, as it were, conveyed down to Posterity, under the colour of being protected by great Names.

But Dr. Wake, he says, had less Reason ; and why did he not add, fewer Authorities too ? But Dr. Wake had not only the Authorities, but the Reasons too of the best Writers of Our Church, ever since the Reformation, to confirm the Truth of what he had Address'd to the Archbishop ; To shew that neither his Allegations, nor his Doctrines were Novel, but exactly Consonant to the Principles and Persuasions of the Greatest Men that have been amongst us. Now this Author comes, and very

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modestly assures both Metropolitans, That the Doctor subverts our Fundamental Rights and Liberties, without so much as attempting to discover, wherein the Doctor has varied from the Authorities he has cited; or what new Tenets he has advanced, which Our Church did not acknowledge before him. It is to be hoped, that Their Graces will oblige this Gentleman to make appear, that the Doctor has introduced a Doctrine which Our Church has all along disowned; or else publicly to confess, that his own Book is entirely disagreeable to the Principles which the Men of Highest Stations and Characters in Our Church have all along asserted and maintained. Truth indeed is to be assented to, when ever it is found, and it is not the less so for having a Number against it. But too much insulting upon new Discoveries, makes them look a little suspicious. And we ought to be very thoroughly convinced that Mr. A. directs us Right, before we pronounce that we have been hitherto misled by obscure, blind Guides. If Our Convocation has such Rights and Powers, as Mr. A. contends for, let us, upon Conviction, join with him, in God's Name, in claiming and defending them to the utmost. But whatever its real Privileges are, if Mr. A. can produce any one of the Reformers, before this Reign, that is of Opinion, that the Convocation

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vocation *has* a Right by our Constitution to sit, tho the King should deny them that Liberty, I will submit to any Censure that their Graces, or the Convocation shall be pleased to inflict. And if the King won't grant them the Liberty of sitting, what does it signify, to shew that they have no need of a License to empower them to Act? If he gives them Power to sit, to be sure he will grant them a Commission to do business, if it is necessary they should have one. But to maintain that they have a Power to Act without one, when there is a Power that can hinder their sitting at all, seems to be contending for a Trifle, which if it was gained, could do us no service. If it appears that the Convocation is as Fundamental a part of our Constitution as the Parliament; that it has the same Right to sit, and do Business; and the King has no more Power to deny the Convocation the Privilege of Sitting in time of Parliament, than to Prorogue one of the Houses, while the other continues sitting; let us place our Rights upon that Foot. But then it will be necessary to consider whether the Convocation is not under greater Restraints by Law than the Parliament is? And whether their own Acts have not granted the King larger Powers over them, than ever he was allowed to have over our Parliaments? And if his Supremacy

macy extends farther in relation to the Church than the State, the Case can't be parallel. And to claim the same Privileges to belong to Convocation, which belong to Parliament, cannot be for its Advantage, because they are not its due. And to grasp at too great a Power, is often a means to make it much less.

P. 36. *There is yet a Passage or two very observable in his New Preface. I do here (says he) beforehand warn the Reader not to be dazzled with any future Performance of this kind (whether from his, meaning Dr. Wake, or any other Hand) that shall endeavour to recommend it self, &c. And if he will but suspend his Opinion of such a Piece till he hears what I have to say to it, I will endeavour not to let him continue long under his Suspense. For I think I know what Colours can well be put on the Wrong Side of the Question, and am prepared to take them off again as soon as they are laid on. This indeed is a very modest Request, and could be no body's but Mr. Atterbury's. This is so very like the insulting Dr. B---y not long ago, upon another occasion, that I can't but fancy the Event will prove the same now as then. There were mighty Brags given out of taking off False Colours, and removing False Glosses; and the*

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the World was so much imposed upon, as really to expect a Performance equal to the Noise that was made about it. And how much longer we must expect, Mr. A.'s Collections can probably best inform us. I am afraid it is a little Low with him, that his Stock of Materials is almost spent, and, which is strange, he grows something conscious of his own Weakness, that he boasts so loudly of his Strength. This is a common practice with some sort of Men; and it is natural enough for Emptiness and Noise to go together.

However, 'tis probable enough that Mr. A. may be made to take off the Colours that are laid on the Wrong Side: And when Dr. Wake publishes his Answer, as I dare be confident he will, I doubt it will appear that they are laid on very thick.

*Mr. A. is certain that there are a great many P. 37.
Hands working under Dr. W. and busily employed in supplying him with Materials. I hope his Intelligence is right; the more Enquirers there are into Truths of this nature, so much the better. But if they communicate their Searches to Dr. W. 'tis a shrewd sign Mr. A. is in the wrong. If they are Men of Judgment and Integrity, they would never furnish Materials to oppose the Truth, if they were convinced Mr. A. had found it. If
they*

they were sure upon their strict Enquiries, that Mr. A. had truly and justly defended the Legal Rights and Privileges of the Church, they could not with a safe Conscience go upon any design that should tend to suppress or undermine them. It gives indeed great advantage to our Enemies, to aim at a Power which is none of ours: And when we are disputing as we imagine for the Rights of our Church, to treat others that differ from us with Insolence and Contempt, and after such a manner as no Religion will allow of, we sink more the Honour of our Church, than we can serve it by defending its Constitution by the strongest and most powerful Arguments. The sad Effects of the one we feel already; and the other, instead of raising our Privileges, will, I am afraid, sink them lower.

P. 38.

But that they should be called Engines, that are play'd by the Enemies of Religion who stand behind the Curtain, that are for asserting our Privileges as our Law has confirmed and established them; that can't upon strict and serious Examination find that we have such a Power as Mr. A. contends for, is a kind of Treatment neither Fair nor Christian.

It is indeed a little amazing, that a Man should fall so foul upon others, as Betrayers of the Rights and Liberties of the Church, and pretend to
decide

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decide peremptorily in such a Dispute, before he had consulted the Registers of the Archbishops, and several other Sees, where there are a great Number of Materials, (as 'tis certain he had not when the First Edition came abroad, tho there never was any Opposition to such Enquiries); particularly, that he should neglect his Searches at the Rolls, which his constant Preaching there can hardly apologize for. The want of Leisure upon that account may probably excuse a little, but it can never satisfy for his writing dogmatically, in Matters where he was so very much unacquainted. And to make use of Borrowed Collections only, looks like the office of Little Writers, as he is pleas'd very often to stile his Adversaries.

Towards the Conclusion of his Preface, Mr. A. P. 44. has this Extraordinary Passage: I am not ignorant what Menaces have been given out, nor what Measures have been actually taken, towards crushing Me and this Work, but do not find my Resolutions in the least shaken on this account. 'Tis well for him he has so much Courage: But I shall venture to tell him, That if this is False, as I dare engage it to be, 'tis a Scandalous and Seditious Reflection: And if he can't prove it to be true, he ought to be made sensible that he is no better than a Libeller and Asperser of those in Power.

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P. 43. *But I must not forget to consider the One Change only, he tells us, my Lord of S.'s Reflections have produced: That whereas before, I sent these Papers abroad without a Name, I have now yielded to his Lordship's Reproofs, so far as to act more freely and openly; the rather, because his Lordship has been pleased to impute that part of my Management, to a Principle of not engaging past Retreat, and to a Prospect of being taken off, as his Lordship is pleased to express himself. Had any Person of lower Rank than his Lordship said this, I should have taken the Liberty to reply, That such Motives could not have occurred so readily, but where they had been of Familiar Use and Application.*

But is it impossible they might have occurred to Mr. A.? He can't but remember that he formerly made his Applications more than once to that Bishop. I mention this the more freely, because my Lord of S. has spoke of it often and publicly enough. One of his Requests was, That his Lordship would use his Interest to promote him into the Family of a Noble Lord: The present Bishop of Chichester is a Witness to this. The Bishop of S. used his Endeavours in his Behalf, but That Lord was unfortunately pre-engaged, or else
'tis

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'tis not improbable. that Mr. A. might have been happily Advanced, according to his desire, in an Honourable Family.

I shall omit the Requests Mr. A. made to the Bishop while Her late Blessed Majesty, and Archbishop Tillotson, were living; and how much he was prevailed with, to recommend him to their Care. I am not satisfied but Mr. A. will find Evasions to deny all this, now those Evidences against him are in Heaven; but His present Grace of Canterbury is a living Evidence of the Service the Bishop endeavour'd to do him, upon his sending for him out of the House of Lords, to desire his Favour, and that he would use his Interest with his Grace for him, and how hearty and sincere he was, at that very Instant, in his behalf. One of the Prebends Mr. A. had then fix'd his Eye upon, would probably have detain'd him from searching Records. And a Dignity in the Church of Westminster would, in all likelihood, have prevented his Crossing the Water to the Registers at Lambeth.

But these are ungrateful Truths; and they had not been made Publick, had not Mr. A. given it out, that he had never ask'd any Favours of the B. of S.; and had he not spoke so slightingly and contemptibly, in his Book, of the Obligations his Lordship had laid upon him. But whatever the Obligations were, I may venture to say, His Lordship never design'd

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them for a Bribe to him, to prevent His attacking the History of the Reformation. It is very well known that His Lordship has made very Grateful Acknowledgments to those who have, in a civil way, given him accounts of any Mistakes they found in that Work. And I dare promise, that even those slips which some have endeavour'd to find there, rather out of spite than kindness; if they can't be Vindicated, will hereafter be Rectified. I am very certain Mr. A. has fallen foul upon it very unjustly in several places of his Book; which I shall shew as they lie in my way. And when Mr. A. makes good his Promise he has made the Reader, to shew him his Reasons why he has not altered any thing, upon his Lordship's Reflections; and has produced the rest of his Observations on His History, they will then either be given up, or truly accounted for.

Mr. A. takes all Opportunities of lessening that Work upon every slight Occasion; and insults upon every Discovery, even of a false Date, or the least mistake of Time. But whatever the Faults of that Great Work may be, I will engage to shew a grosser Error in Mr. Atterbury's little one, than all of those put together, which he has even pretended to discover in it. And the Reader shall not go far in these Papers, before I will give him full satisfaction in this matter.

Mr. At-

*Mr. ATTERBURY's Arguments for
the Rights, Powers and Privileges of
an English Convocation, Consider'd.*

THE Dispute between Dr. *Wake* and Mr. *Atterbury*, concerning the Rights of an *English Convocation*, consists chiefly of these Two Parts :

1. The Convocations Right of *Meeting* and *Sitting* as often as a New Parliament meets and sits. Mr. A. p. 2.
2. Its Right of *Treating* and *Deliberating* ; and how far that Extends, without obtaining a *Royal License* to qualify them for such Acts and Debates.

Dr. *Wake's* Opinion is, That although there is a Convocation called whenever there is a New Parliament, yet it depends solely on the King's Will and Pleasure, whether they shall sit or no. That it is in His Majesty's Power to Prorogue the Convocation, or hinder its going upon Business, tho' the Parliament should continue Sitting ; which it could not be, if the Convocation had an Inherent Right, not only to be summoned, but to sit too, during the Sessions of Parliament. D. W. c. 3.

Mr. *At-*

C. 2.

Mr. *Atterbury* on the other side maintains, That the Convocation is such an Essential part of Our Constitution, that it ought perpetually to attend the Parliament; that it has a Right not only to be called, but to be held; and that the King can no more by Law forbid the Convocation to sit, than he can Pro-
 rogue One House of Parliament, and let the Other continue sitting.

Pag. 144,
 145.

Dr. *Wake* however affirms, That *tho'* the Government has intrusted the King with this Power of giving the Convocation leave to sit and act, when he pleases; and when he pleases, to deny them to do either: Yet, whenever the King is in his own Conscience convinced, that for the Convocation to sit and act, would be for the Glory of God, the Benefit of the Church, or otherwise for the Publick Good and Welfare of his Realms; he is obliged both by the Law of Reason as a Man; by his Duty to God as a Christian; and by his Duty to his People, as a Ruler set over them for their Good; to permit, or rather to command his Clergy to meet in Convocation, and transact what is fit for any or all these Ends, to be done by them.

As on the other hand; Whensoever he is clearly and evidently convinced, that for them thus to come together, would be needless or hurtful to these Ends; it is then his Duty to restrain them from sitting; and that *tho'* he should be never so importunately desired by some, that they may sit; or rail'd at by others, for not allowing them so to do.

P. 75, 76.

Mr. *A.* in opposition to this, asserts, That *tho'* there should be no Business for the Convocation to do; That *tho'* neither their Consent or Advice may be necessary; yet they have a Right to attend during the sitting of the Parliament, and the Parliament have a Right to their Attendance. That they

are



Mr. A. says Conv. has the same Right to sit as Parl.

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are bound to wait as long as the Parliament lasts; and that neither the King or the Archbishop have any Power to relieve them. And if for want of other Business they should run into Heats and Divisions among themselves, yet that the King has no Power by Law to put a stop to them by Prorogations, unless he prorogues the Parliament too; tho the Business the latter be then upon should be of the greatest Moment and Concern to the Nation. This is plainly Mr. A.'s Opinion, and these the Consequences of it; which however pernicious they may be, yet can they never take away a just Right. For if the Law has invested the Convocation with such a Power, it is not the Abuse of it that must forfeit it. And whatever Prudential Reasons the King may have to deny the Convocation leave to sit, yet if they have a Legal Right, he acts Arbitrarily and against Law, if while the Parliament is sitting, he does not grant them that Privilege.

This is the State of the First Part of the Controversy between *Dr. W. and Mr. Atterbury*. They both allow that the *Writs* to call a Convocation are always issued out at the same time that a New Parliament is called. The difference between them is about the stated Times of their sitting. The one asserts the Time of their sitting to be *precarious, i. e.* never to be necessary by our Law, but when the King is convinced there is real Business for them to be employed about. The other maintains, That there are stated Times for their sitting, which are, whenever a Parliament sits: And that whether the Government has any thing to propose to them or no, they have a Right to continue sitting while the Parliament does so: And that our Constitution has
not

not put it in the Power of the Prince to hinder them.

Whether the Clergy have an indisputed Right to be summoned to meet in Convocation as often as a New Parliament is called, I shall not decide. It has been the Custom for about this Two hundred Years, for *Writs* to be issued out for calling them Both at the same time. But before that, the Times of their meeting were not always the same, and there was often a very considerable distance between them. And how far Custom in these Cases is called Immemorial, and obtains the Force of a Law, is not my business to enquire. It is enough to my purpose, if I can make it appear, That whatever Custom there may be for the Clergy's being called to Convocation, there is not the same Right for their sitting and acting.

And that there is not the same Right for their sitting, is plain, because *Custom* is against it. Mr. A. has produced no other Proof besides *Custom*, to shew that a Convocation ought to be called whenever there is a New Parliament; and Custom is as much against him in the one, as it can be for him in the other. The King, or the Metropolitan, having always kept up the Custom of Proroguing the Convocation at pleasure; and their Right to do it having never been disputed by the Clergy, makes it clear that they had a Just Right so to do: Since it is a known Maxim, *That the Custom (even) of Parliament, is the Law of Parliament.* And 'tis not to be supposed that the Clergy would have submitted to have their Sittings over-ruled and prevented by Royal Authority, without putting in their Claim at least to their Legal Privilege, if they had any Law to plead for it. So that their not challenging such a Right,

Right, when not suffered to sit, as many times they have been denied, is a plain Argument that they had it not.

Mr. A. has made a Shew of Reading upon this Head, but has not produced one Instance to prove that the King was ever denied, since the Reformation, that Power of Proroguing the Convocation while the Parliament continued sitting; or that when he exercised his Authority in denying them to Sit and Act, the Legality of it was ever disputed. And therefore, since he has neither Law, Custom, or Authorities on his side, I shall venture to tell him, that his Assertion is ill-grounded, *That the Convocation have a Right to attend, and the Parliament a Right to their Attendance*, whether it be the King's Pleasure they should attend or no.

But besides, Mr. Atterbury's own Accounts of this matter seem to argue against the Convocation's Right to sit, while the Parliament does. For he shews different Changes in the Manner of the Clergy's meeting: Sometimes as part of the Parliament, and doing Business with them, treating about Civil Affairs, and making their own Grants: Afterwards he shews an Alteration in this Matter, That they met only by themselves, tho for the most part, at the same Time that the Parliament did, in Two Provincial Synods. C. 2.

Now here appears very different Reasons of the Clergy's Meetings, and a great Alteration in the Nature of them: In the first case, their sitting all the time that the Parliament did, was necessary, because indeed they were a part of the Parliament; but in the latter, they were Independent, and to act by themselves.

Now then this Question will naturally arise, Whether since that Privilege ceased, and the Clergy sat no longer as part of the Parliament, but have acted Provincially by themselves, they have always sat and acted in their Convocations, all the time that the Parliament was doing Business? And whether their Meetings have not been deferred, and their debating forbid by the King's Authority? And altho he always summons them when he calls a New Parliament, that they may be ready to be consulted with upon occasion, yet, Whether as *Supreme Head* of the Church he is not invested with the Power of letting them meet and act, or not, if he pleases; and whether he has not often exercised it?

And that he has been allowed to have this Power ever since the *Reformation*; that it of Right belongs to him, and that he has often exercised it, without any Opposition; is what we contend for, and Mr. *Atterbury's* Accounts do no where disprove.

If Mr. *A.* can reduce things to their Ancient State, can restore the Clergy to their Places in Parliament, and bring matters to such a pass, that the Clergy shall be obliged by no Temporal Laws, and be never Taxed, but by their own joint Consent in Parliament; then no body will deny his Arguments to conclude very strongly for the Necessity of the Clergy's sitting all the time that the Parliament sits. For upon this Ancient Privilege he seems to found all the Right the Clergy have to meet and act with every New Parliament.

But the Clergy, when in an Ecclesiastical Synod, are upon a different Bottom; they are not to intermeddle in any Parliamentary Business; and therefore are wholly Independent on the Parliament: And their meeting

The K. has same Power over Con. as Chr. Emp.

7

ing and acting does not depend on the Parliament's meeting and acting, but on the King's Will and Pleasure.

But here we challenge no other Power to our Princes, than was exercised by Christian Emperors; that is, to call Synods, and to have a Liberty of confirming or not confirming their Decrees by Civil Sanctions. And where such Rights are claimed by the Sovereign, and actually exercised, there it becomes not the Modesty of a private Subject to be so open and liberal in condemning them.

Mr. S.'s Animadver.
P. 46.

Ib. p. 8.

And that our Kings have this Power over our Convocations, is evident from our Canons and Articles, which declare them to have the same Authority in Causes Ecclesiastical, that the Christian Emperors in the Church had: Or, as Dr. W. had affirmed, By our Constitution the King of England has all that

Can. 2.
1603.
Art. 21. 37.

Dr. W. p.
89.

Power at this day over our Convocation, that ever any Christian Prince had over his Synod. Mr. A. upon this asks this Question, Whether the King and the Three Estates of the Realm together have not more Power in Church Matters, and over Church Synods, than the King alone? If so, then cannot the King alone have all that Power which ever any Christian Prince had.

Mr. A. p.
213.

I will answer this in Mr. Sm-----ge's words: His Notion of the Parliament's Co-ordinacy with the King in the Supremacy, I leave to the Censure of the Learned in the Law; this Act, I am sure, whence he infers it, positively asserts the King to be Supreme. And certainly (as in the foregoing Page) the King was not deluded with the Complement of an empty Title.

Reflect. p.
22.

25. H 8.
P. 21.

And if Mr. Smalridge will defend the Act against him, the Canon seems pretty able to defend itself against the Glosses he puts upon it. For it is plainly enough express'd there, That whosoever shall

hereafter affirm, That the King's Majesty hath not the same Authority in Causes Ecclesiastical, that the Godly Kings had among the Jews, and Christian Emperors in the Primitive Church, or impeach in any part his Regal Supremacy in the said Causes restored to the Crown, and by the Laws of this Realm therein established, let him be excommunicated ipso facto, and not restored, but only by the Archbishop, after his Repentance, and publick Revocation of those his wicked Errors.

Anim. on
Church-
Govern.
p. 48.

And agreeable to this have been the Doctrines and Principles of the Greatest Men of our Church. Mr. S — ge hath cited the Authorities of Bishop Taylor and others to prove, That the King as Supreme, hath a Legislative Power in Affairs of Religion and the Church, hath Jurisdiction in Causes Ecclesiastical, and hath Authority to convene and dissolve all Synods Ecclesiastical. And if he has such an Authority over our Synods, no doubt but he has a Power to let them sit, or hinder them at pleasure, notwithstanding all that Mr. A. has affirmed, upon his own single Authority, to the contrary.

Mr. A. seems to urge, That their being called, gives them a Right to sit and do Business: But who is the Judge whether there is any Business for them to do, or not? If the King can't determine this, he is not *Supreme Head* of the Church; which as Mr. S. has observed, was not designed for an Empty Title. The Convocation is called according to Custom, but there is not always a necessity for their acting; and our Church has committed it to the Supreme Power Ecclesiastical, to determine whether there is or no. And the little that has been done by all our Convocations ever since 1662, tho still called as usually with the Parliament, is a sufficient Proof of this.

But

But to what End are the Clergy summoned to attend, if the King can hinder their doing business? The Reason has been already given, that if he sees occasion, they may be ready to consult and deliberate about it. The King can adjourn and defer their Meeting as he pleases; and the Parliament will go on with their business, tho' there should be no Convocation sitting.

This then is the Sum of this whole matter: When ever there is a Parliament summoned, there go out Writs to call a Convocation. Whether the King is indispensably obliged by Law or Immemorial Custom, to Issue out such Writs for a Convocation every new Parliament, I shall not dispute: Nor is it very material what his Power is in that particular. It is sufficient, that there is as much Custom for the King's not permitting a Convocation to sit always when the Parliament did, as there is for his Calling them with a Parliament; and that this Right has never been called in question: And that since the Clergy have ceased to make their own Grants by Proxies of their own, our Kings have more frequently exercised their Authority in putting off their sitting, without being ever censured, as breaking in upon the Rights and Privileges of the Church.

Mr. A. indeed, when he comes to reduce his matter into form, and takes a review of his whole force together at the End of the Chapter, makes his Cause look pretty plausibly; and if his Premises were as strong as his Conclusions, the dispute would soon be at an End.

The Result, says he, of all this, is, That if some Hundred years Custom can make a Law, then may we without offence, affirm it to be Law, that the Convocation should

Custom for the K.'s hindering them to sit.

should sit with every new Parliament: If the true Notion of a Convocation be, That it is an Assembly of the Clergy, always attending the Parliament; then it is no presumption to say, that we have the same Law for the sitting of a Convocation, as we have for that of a Parliament.

But what is this some Hundred Year's Custom? Why, Mr. A. has proved that for about this Hundred and fifty Years, when a new Parliament was called, there was a Convocation called too: And this too not without some Interruption. But as for their sitting all the time the Parliament sat, or even their sitting at all, if the King thought it not convenient that they should sit, which is the Power now disputed, he has not proved it to be their Privilege or Practice.

As for his Notion of the Convocation's being an *Assembly always attending the Parliament*, it is neither true, nor has he any Authority for it. They are to attend the King as *Supreme Head of the Church*, and the Parliament and Clergy both have placed him there: and their Meeting depends upon his Will and Pleasure, and not upon the Parliaments; and his frequent Prorogations of them while the Parliament sat, is a certain Evidence, that the Parliament neither expected their *Attendance*, or claimed any Right to it. And to say that there is the same Law for the sitting of a Convocation, as for that of a Parliament, is to assert, that all our Kings have acted Arbitrarily, and against Law, that have denied their Convocations the Liberty of Sitting and Acting, when the Parliament did.

And if Mr. A. would say any thing to the purpose upon this Argument, he must prove these Two things:

First,

First, That it has not been the Custom for Our Kings, tho' they called a Convocation, when they called a Parliament, to Adjourn or Prorogue them, as often as they have thought fit, while the Parliament continued sitting.

And, in the next place, it lies upon him to prove, That when they have Exercised that Power, they have acted illegally, and done more than they had just Authority to do.

If he can prove both, or either of these, he will argue to the Point in Debate; but otherwise his Arguments will appear to be Foreign and Immaterial.

It is very observable in Mr. A.'s Management of this whole Controversy, that all the Authors that make against him are declared little and insignificant, and trampled upon with contempt. Especially *Petrus de Marca*, who has been made use of by our Authors, as agreeing with their Notions about the King's Power in Ecclesiastical Matters; and particularly has been introduced by Mr. S---ge, with great Respect for his Judgment and Learning, upon this very occasion of Asserting the Right of Princes in the Affairs of the Church; yet he is now used with the utmost incivility, and his Character vilified, *for a design of letting the Royal Power in upon the Church, as far as he was able.* 'Tis strange, that a Man that was thought very Learned, and his *Testimony* much relied upon in the late Reign, should fall so low in his Credit, as to be no better than a Paultry Author in this.

Animad.
P. 17.

Mr. A.
P. 209.

Thus far I have considered the first Point proposed, the Right the Clergy have to meet and sit in Convocation, as often as a new Parliament sits; and how far the King has a Power to hinder the Convocation's sitting and acting, while the Parliament

The Second Point Examined, about a License.

ment does so, tho' they are, according to Custom called and dissolved both about the same time.

The other Point is, their Right (when met) of Treating and Deliberating, and coming to Resolutions, without being qualified by a Royal *License*.

If it should appear, that the Clergy should have an indisputable Right, which was never yet allowed them, to meet and sit, while the Parliament does so; yet if they are limited by a Law in their Proceedings, and can do little or nothing without a Royal License; and if the King should not grant them such a License, the former Privilege will not be at all to their advantage.

And in this case, as in the other, the Laws of the Land, the Practice of Convocations, and the Judgments of those who have treated of this Subject, must determine the whole matter.

But here it will not be much out of the way, to shew how unfairly Dr. *W.* is used by Mr. *A.* in this particular, and what pains he has taken to Answer what Dr. *W.* never asserted. I shall transcribe Dr. *W.*'s Words, and leave it to the Reader to judge of the Usage he has met with for saying, as most Men are persuaded by Mr. *A.* to believe, quite the contrary.

Dr. *W.*
p. 110.

Whether the Convocation may not, without the King's Writ (his License he must mean, for that he is speaking of) deliberate of such things, as may be fit to be done by them, for the Service of the Church, I shall not undertake to say. Certain it is, that they may not so deliberate, as to come to any authoritative Resolution, upon any particular Point; or to frame any Order or Constitution, of what kind soever it be, without the King's Leave; which is in effect to say, That they may not debate Synodically at all without it. To deliberate of what might

might usefully be considered by them; and to petition the King thereupon, for leave so to do: This, as it is no attempting to make a Canon, &c. so does it not, I conceive, come within the design of that Prohibition, which this Act has laid upon them. And if the King allows the Convocation to sit, I do not see wherein they would transgress in framing such an Address; supposing that his Commission had not before prevented all Occasion for such an Application.

This is the Doctor's Judgment, founded, as I suppose, upon the Silence of the Act of Parliament, which seems not to restrain the Convocation from doing such business, as is antecedent to their attempting to make a Canon, or any Order or Constitution. But that the Convocation can proceed even thus far, or treat at all without a Royal Commission, is against the Opinion of most others that formerly writ of the King's Power in that matter.

However, Mr.A. is sure they have that Right to treat without a *License* to qualify them: but then why did he not mention Dr.W. as agreeing in that Opinion too? He is so far from that, as to represent Dr. Wake as a Betrayer of the Rights and Liberties of the Church for denying it: And falls upon him in a Strain not much becoming a Christian, for asserting what seems to be far enough from his Thoughts. And Dr. Wake therefore (says he) is never more like Mr. A. himself (that is, never more absurd) than when he would insinuate the contrary. He could hardly insinuate the Contrary, when he said quite otherwise, tho' he did not carry the Liberty of the Convocation so far as Mr. A. has done. But this I dare be positive in, That if Mr. A. had found any Author that had writ a hundred, or even fifty Years ago, declaring so

much for the Power he contends for, of deliberating without a License, he would have placed him among the first Rank of Writers, stiled him an Eminent Asserter of the Church's Liberties ; And his *Name* and *disinterested Zeal*, like some other men's, *would have been had in great Veneration.*

But to set this matter in a clear Light, and to discover how far the Clergy may proceed, and how far they are confined in their Debates in Convocation, both by Law and their own Consent, without a Royal License, whether to *attempt to make any Canons*, as Dr. Wake denies, and Mr. A. affirms, I shall follow the Method Mr. A. has gone, and consider these Three things.

First, I shall Examine the Account Mr. A. has given of the Reasons of the Clergy's *Submission*, which occasioned the Act that brought them under the Restraint of not acting as a *Convocation*, without being qualified by a *License* so to Act.

In the next place, I shall consider what seems to be the most natural meaning of the *Act of Parliament*, and after what manner it is to be Interpreted ; If those that made it, may be granted to have designed to avoid Confusion and Misunderstandings about it.

And then, Lastly, I shall enquire into the Practice since that time, in what sense the Act has been always taken ; and whether it was ever known that the Clergy either attempted or pretended a Right to attempt the making of any Canon, without having first obtained a License from the King.

Upon the Right knowledge of these matters, all this part of the Controversy about a License depends.

And

And therefore I shall state the Matters of Fact fairly, (for Matters of Fact they are, and therefore may be understood without any Glosses upon Words, which serve only to amuse the Reader, and take him off from the main Point) and so leave it to others to judge for themselves.

In the First place, it will be of great moment to examine into the Reason that Mr. A. assigns for the Clergy's submission in H. VIII.'s time.

Mr. Atterbury forgetting his usual Air of Assurance, is a little wavering in this Point. In the former Edition he was very positive it was the *Præmunire* the Clergy were under, that brought them to that Submission. In the Second Edition, he thinks the Pardon was pass'd; but yet the Terror of the *Præmunire* still continued, and forced them to that Compliance. But as it happens, neither of his Conjectures will hold.

Here it will be necessary to compare the *Two Editions*, and let him speak in his own Language in both.

In the former Edition of his *Work*, treating of the Occasion of the *Clergy's Submission*, which he supposes to be the *Præmunire* that hung over them, (which, like most of his other Supposes, was every tittle of it false) he makes this very remarkable digression.

The Gentleman that published some Thoughts on a Con- p. 91.
vocation, insults the Learned Mr. Hill on this Head, who
had represented the Clergy that submitted, as then under the
Last of a Præmunire. "But this, says he, is a great Blun-
"der, for the *Præmunire* was off at least three Years
"before, and released by Act of Parliament, in the 22d
"of H. 8. The Convocation-Act being not till the 25th.
It seems this Gentleman knows not (what one would

have thought every body knew) that the Clergy made their Submission some Years before it was Enacted by Parliament, and that then the Præmunire hung over them. Yet as unacquainted as he is with things of this nature, ventures at Random to bestow his rude Language on the supposed Mistake of another Man. Under so great a Degree of Ignorance, a little more Modesty had become him.

The Reader perhaps will be surprized to find that Mr. A. was here only drawing his own Picture: Tho' indeed it looks a little incredible, that he could be so very insulting, and yet so ignorant. But I shall soon convince him, that Mr. A. went not only out of his Way, but out of his Knowledge too, when he made this unjust Reflection. And I wonder those that furnish'd him with his *Materials*, did not take care to inform him better.

The *Reflections* consist of Two Parts: The One, that the *Author of some Thoughts on a Convocation*, was much mistaken in asserting the *Præmunire* to be taken off, when the Convocation submitted: The Other is, That the same Author *knew not, what one would have thought every body knew, that the Submission was made some years before it was Enacted by Parliament.* Why, I will venture to name him one that did not know it, and that was Mr. *Atterbury*; and if he did, *he knew what no body else did, or could, know.* For the Clergy made their Submission in *May*, and it pass'd into an Act in *March* come Twelvemonth after; which those who are acquainted with such Matters, don't use to call some Years. Some Men would have contented themselves with saying a Year, and some Months.

And for the *Præmunire*, that was taken off *March*
was

was Twelvemonth before the *Submission* was made in Convocation, even in the very Year (the 22^d H. 8.) which the *Author of some Thoughts, &c.* had maintain'd against Mr. Atterbury's Learned Mr. Hill, Three Years before the *Parliament* made the *Submission-Act*. So then, this whole Matter stands thus: The *Præmunire* which the Clergy had incurred, was released by *Parliament* in March 1531. the 22^d H. 8. They made their *Submission* in May 1532. And it pass'd into an *Act*, March 1534. So that 'tis plain that Author was mild enough in censuring Mr. Hill's *Blunder*; which certainly it was, or else a Strain of Mr. A.'s Ingenuity; since the *Præmunire* was off long enough both before the Convocation made their *Submission*, and before the *Parliament* pass'd it into an *Act*; and that he knew *what one would have thought every body knew*, except Mr. A. who after all, was very ignorant of the matter.

Mr. A. indeed seems to have found out his Error in his *Additions*, and acknowledges the *Præmunire* P.6. Addit. to be off before the *Submission* was made. But he touches upon it so tenderly, as tho he had a mind his Reader should pass over it, without observing in how abusive a Strain he had betray'd his Ignorance in this matter, or something worse.

And here I would advise the Reader that would be Curious in these Matters, to compare Mr. A.'s *Two Editions*; and he will find a great many Corrections that himself has wisely made; and what he has left for Dr. W. and others to make, a little time will shew: He will find also, that he has been so modest, as to omit even some of his hard Censures, (*i.e.* he is convinced that he did quite mistake the matters upon which he grounded them) and one particularly in this.

22. H. 8.
c. 15.

this place, upon my *Lord of Sarum*, which I suppose upon better Information he found to be groundless too. He has also omitted the *Reflection* he made upon my *Lord of S.* for the Account he gave of the Cause of the Clergy's being in a *Præmunire*; and I am sure he ought to have retracted the Reflection he made upon *Dr. Wake* on the same Head, since it was unjust: For that very Cause which the Doctor mentioned, *viz.* their offending against the Statutes of Provisor's, and *Præmunire*, is mentioned in the *Act* of Parliament that passed their Pardon, which in charity to Mr. A. I must believe he never read.

At present I am obliged to consider a little farther the Reflection which he continues upon the *Author of some Thoughts, &c.* in his *Second Edition*, just with as much reason as he had in his First.

What pretences he has for such unjust Censures, I won't offer to guess; if it be Truth only he is searching after, I am confident he is out of the Road to it.

See p. 18.
Add. compare p 92.
of the first
Edit.

Mr. A. has granted in effect, That the Reflection was false; he has seemed to yield he was mistaken about the *Præmunire's* not being released when the *Submission* was made; and has seemed to fix the Right time for it now. He has said as much as will amount to a Confession that he knew not when the Submission was made, tho he was very positive in his *First Edition*, every body knew it; and fell foul upon my *Lord of Sarum* for his Ignorance, where he had so much Light to guide him. There was nothing he so much valued himself upon, and despised others, as upon this Head; and yet at last he comes to say as much as will amount to a Confession of downright Ignorance about it.

But

Mr. A. does not Retract, only unsays things. 19

But by this Confession (says he) I intend not to Ibid.
Retract the Censure I had pass'd upon the Author of some
Thoughts on a Convocation. No, Retract; God forbid; 'tis pity his Great Soul should stoop to so mean an office; he Retracts nothing, he only just contradicts what he had said before. And since he owns he has been in a Mistake, I shan't dispute with him whether he Retracts or not, lest he should spend as much Paper about the meaning of the word Retract, as he has done upon the word Attempt; which was thought a plain intelligible Word before, but yet it seems it wanted Mr. A. to explain it. And perhaps Retract may have as many difficulties in it, when it comes to Mr. A.'s Management.

But let us hear his Reason why he won't Retract. Why, By that Author's Favour, says he, referring to some Thoughts, &c. Mr. Hill says only, That H. 8. could not have compass'd that Submission, but through Ibid.
the Terror of a Præmunire: Which is very true; for by the Terror of a Præmunire he compass'd the Clergy's first Act of Submission (their Recognition of his Supreme Headship), which made way for the other.

But this Suggestion is as groundless, as his former Assertion was false: For must the Clergy submit for fear of a Præmunire, because they had been released from one, a Year or two before, and their Pardon pass'd in Parliament? Is a man that was terrified by a Storm at Sea, under the same Fears when he is got safe to Land? Or do the disorders he might fall into under that Consternation, make way for all the other disorders of his Life, when he is released from all his Fears? If the Clergy were under such Terrors, they could not be termed Rational Agents, and their Actions were not free but forc'd, and should rather be

See Anim.
on Church
Govern.
p. 60, 61,
62.

be declared void, than defended. I wonder that Mr. A. since he thinks they were Madmen, should offer to defend their Extravagant Act. Yet it appears that the Laiety were then under a *Præmunire* too: But were all the Acts that were pass'd by them in Parliament within the space of Two or Three Years after, the Effects of the frightful Apprehensions they had before been under? In answer to this, I shall shew him that the King compass'd neither of the Submissions through the *Terror* of a *Præmunire*: He might have been convinced of this long ago, if he bore any Respect to Mr. Smalridge's Judgment, or to the Authorities he had cited against that very Objection; trump'd up then, as it often has been, by the Popish Writers, tho often enough answered, and long ago exploded. And why it is now reassumed by Writers, as some think, of our own, is a little mysterious.

Mr. Smalridge complains of his Adversary's Prevarication, in foully misrepresenting Dr. Hammond about this matter; as if he had said, That the Clergy gave the King the Title of *Ecclesiæ & Cleri Anglicani Protector & Supremum Caput*, out of Fear. Mr. S. observes that he acted unfairly in this Insinuation: Which, says he, that it may be the more perspicuous, and that the Reader may make, from this Instance, a true Judgment of this Writer's Sincerity, it will be necessary to transcribe the whole Passage as it lies in Dr. Ham. "Tho the first Act of the Clergy in this

Sch. C. 7.
Sec. 5.

" was so introduced, that it is easy to believe that
" nothing but the Apprehensions of Dangers that
" hung over them (by a *Præmunire* incurred by
" them) could probably have inclined them to it;
" and therefore I shall not pretend it was perfectly

an

“ an Act of their first Will and Choice, but that
 “ which the necessity of Affairs recommended to
 “ them: Yet the matters of Right being upon that
 “ occasion taken into their most serious Debate, in
 “ a Synodical way, and at last a fit and commodi-
 “ ous Expression uniformly pitch'd upon by joint
 “ Consent of both Houses of Convocation, there
 “ is no reason to doubt but that they did believe
 “ what they did profess; their Fear being the Oc-
 “ casion of their Debates; but the Reasons and Ar-
 “ guments observed in debate, the Causes, as in all
 “ Charity we are to judge, of their Decisions.

Upon this Citation Mr. S. observes, *That this Preva-
 rication is the more culpable, because it is not an Original,
 but copied from Mr. Sergeant, whom that Writer cannot
 but be presumed to have known to have falsified it.*
 And Mr. A. must or might know all this. This
 dispute about the *Præmunire* has been publick and
 frequent enough between Us and the *Roman-Catho-
 licks*. And I wonder that such things, that every
 body knows, should not, to borrow an Expression
 of his own, *spring from Mr. A.'s own Knowledge and
 Remembrance.*

Bishop Bramhall is another Author that Mr. S. in-
 troduces to shew the meaning of *Dr. Hammond*, and
 to confute the Notion about a *Præmunire*. *Dr. Ham-
 mond speaketh only of the first preparatory Act, which
 occasioned them to take the matter of Right into a seri-
 ous Debate in a Synodical way; he applieth it to the sub-
 sequent Act of Renunciation after Debate.* *Dr. Ham-
 mond speaketh of no Fear, but the Fear of the Law,
 the Law of Præmunire, an Ancient Law made many
 Ages before H. 8. was born; the Palladium of England,
 to preserve it from the Usurpations of the Court of*
 G Rome:

Rome: But Mr. Serjeant applieth it wholly to the Fear of the King's violent Cruelty.

" This Author (as Mr. S. adds) must be thought
 " to have read these Passages, and yet ventured the
 " Scandal of promoting this Forgery, tho without
 " the Honour of being the first Inventor of it. Such
 " Practices as these require little Controversial Skill,
 " but much Forehead: And we have seen a Ma-
 " chine lately publicly exposed for this laudable
 " quality of imbibing whatever is thrown into its
 " Mouth, and then ecchoing it forth without blush-
 " ing. Whether that be not our Author's Talent,
 " let the Reader judge." After these Remarks, he
 " thus concludes this matter. " As for this Ob-
 " jection, of the Clergy's being awed by Fear in this
 " Act, he himself has unluckily cited a Passage
 " from the (then) Lady Mary, which shews the
 " Vanity of it." *I am well assured (saith she, speak-
 ing of Edward the Sixth, in her Letter to the Council)
 that the King his Father's Laws were consented to with-
 out Compulsion, by the whole Realm, both Spiritual and
 Temporal.*

I shall add nothing to these solid Arguments of Mr. Smalridge, which will always be sufficient to overthrow, as they did once before, that Ridiculous Objection, of the Clergy's being frightened into a Compliance by a *Præmunire*. It is observable, that Mr. S. speaks here only of the Submission of the Clergy, when they declared the King *Supreme*: And if they were not then overaw'd by their Fears in their Debates, 'tis most certain they could not be, when they made that other Submission, which occasioned the Act we are now speaking of.

But

But why is Mr. A. so mighty unwilling to part with his *Præmunire*? I am afraid he distrusts his Interpretation of the Act of *Parliament*. For if that will hold, the Clergy could not be put to a Fright to make such Concessions as he allows they did. For by his Account of the *Act* they retain as much Power, nay rather much more than they did before. And they might be rather said to extort it from the King, than he from them. For before, they were under the *Archbishop's* Power, and he could call and dissolve them at his pleasure. But now, as to their sitting, if there is a *Parliament* assembled, they are neither under the *King* nor the *Archbishop*; their Motions, according to Mr. A. depend only upon the Sessions of the *Parliament*, and nothing but the Prorogation or Dissolution of a *Parliament*, can put a Period to their Sitting.

As for the making of *Canons* and *Constitutions*, whatever Power they had that way, 'tis certain they had not formerly the Force of Laws, no more than at present, without the Supreme Authority stamp'd upon them. Mr. Smalridge is very positive, *That no Ec-* Refle. t.
clesiastical Constitutions had ever the Force of Laws in p. 22.
this Kingdom, but from the Legislative Power of the Realm. If so, the Clergy, according to Mr. A's Notion, lost no Power by the Act, and needed not the Terror of a *Præmunire* to force them to a Compliance.

But he goes on, *However, supposing Mr. Hill to have erred in antedating the Submission, properly so called, yet had it been decent to have treated that Error of his softly, for my Lord of Sarum's sake, from whose History Mr. Hill drew it.* Is he sure Mr. Hill drew it from thence? I dare engage for that *Honest Indu-*

p. 93.

First Edit.

strious Man, he would take nothing from that History upon Trust. But how comes Mr. A.'s mind to change so on the sudden? In the *other Edition* he is pretty positive, that the *Author of the Thoughts*, who directly opposed Mr. Hill's gross Assertion, was misled by the *Bishop's History*. To speak Contradictions, I find, is the least Fault he is guilty of. However it be, he is resolved that every body's Errors, nay even his own, as we shall see presently, shall be all owing to the Bishop. But I dare venture to say, that neither of them were guided by the *Bishop's Opinion*. The one of them quoted *Rastall's Statutes*; which Mr. *Atterbury*, after his wonted way, takes no notice of, but he will have it that the *Bishop* occasioned the Mistake, (which after all, was the Truth) tho I can be pretty positive he did not consult his *Lordship's History* upon the occasion. As for Mr. *Hill*, he could not draw his Absurdity from that History, for his *Lordship* no where says that this Submission was compass'd through the *Terror of a Præmunire*. And if his Lordship had said it, I have so good an opinion of Mr. *Hill*, that if he had known it, he would right or wrong have asserted the quite contrary. Thus Mr. *Atterbury* is not always lucky in his Conjectures: He is very kind however, in endeavouring to excuse the Errors of other men; but Success does not always answer Expectations: He had a Chance however to be right. It was likely enough that the *Bishop of S.* in those *Two Folio's*, might somewhere have said the same thing with one of those Authors. And if Mr. A. would have kept to his first Conjecture, he might have come off pretty well, because the Bishop says indeed the same thing as that Author. But for Mr. *Hill's* Notion, he said quite the

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contrary to it; *i. e.* he says, the *Præmunire* was off in 1531. And for Mr. *Hill*, if a man may guess upon Probabilities, he hardly knows that the *Præmunire* is released yet.

And here it may be worth the while to observe Mr. A.'s Ingenuity in assigning the Cause of some Mistakes of his own. He can have none, we may be sure, but what he has derived from the *Bishop of Sarum*. But in this (speaking of his own want of Exactness in giving an Account of the Clergy's Submission, and the Time when it was made, in the former Edition) *I followed his Lordship's Accounts too respectfully; thinking that what his Lordship had so often laid down, in a Point so obvious to be known, could not well be mistaken. But if the Reader will forgive me my Implicit Reliance this once, I promise to do so no more; nor to take any thing for the future upon his Lordship's Authority, great as it is, without examining into the Truth of it.* Ald. p. 18.

Now whether he followed his *Lordship's* Accounts upon this Head, his own Words in his former Edition must determine. And if they were design'd to have any meaning, I believe it will appear that they import just the Contrary. I shall set his Words down as they are in his other Edition, and leave it to the Reader to judge of them. P. 93.

My Lord of S.'s Expressions (in the Year 1534.) are, As the Parliament was going on with these Good Laws, there came a Submission from the Clergy then sitting in Convocation to be pass'd in Parliament, &c. p. 147. But this is one of those Nods that Great Men in long Works are subject to: For his Lordship, p. 113. of that Work, seems to have soon known, that the Submission was made by the Convocation in 1531, and 2, however he came to forget

forget it here, and to place the Rise of it Two years lower. But whether his Lordship was aware of this or not, it is certain the Submission was so much older than the Act, as appears by the Journal of the Convocation that framed it, still remaining; tho his Lordship, p. 147. complains that it is lost; and excuses himself on that account, for not being able to inform his Readers what Opposition it met with from the Clergy e're it pass'd. I have seen the Journal of that Synod, &c. It is particular enough to shew with what difficulty, and by what steps the Clergy were drawn into a Compliance, and how threatening Messages were sent them by the King before they could be brought to it: And I have already from another MS. promised the Reader the several Forms of Submission, which they drew up one after another; but could not get accepted. There is no reason therefore to complain of want of Light in this case; for perhaps there is scarce any one thing done in H. VIII. Convocation, of which we have a clearer and fuller Account, than of the Opposition which the Court Form of Submission met with from the Clergy, before they came up to it.

Now is it possible for any one that reads all this, to be persuaded that Mr. A. follow'd the Bishop's account very respectfully? When he everywhere differs from, and finds fault with him. The Bishop complains of want of Light. Mr. A. says, there is no want; he had seen the *Journal of the whole Synod*, &c. How came he then to mistake? Probably the MSS. were dark and obscure, or indeed he might be dazzled with too much Light; or otherwise, what made him follow the Bishop of S. whom he insults for being guilty of nothing but mistakes in this particular? Does Mr. Atterbury think to impose upon the World by such kind of Insinuations? If he had

so

so much Light as he boasts of, why did he not open his Eyes, and go right? It is following another's Steps implicitly with a witness, to forsake the Light, and go after him, when we are sure he is wandering in the Dark.

But let us see what further Reflections his new Accession of Light has given him occasion to make upon his *Lordship's* account of the *Submission*, in his *Second Edition*. Why generally, says he, *His Lordship* so speaks, as if he thought the Clergy to have made their *Submission*, when they gave their great *Subsidy*: And yet in other places he seems to apprehend, that they submitted in the year (before that as his accounts run, the year) 1530; and again the year 1534, is the Period assign'd by him for it: Whereas it really belongs to none of these Years, but to the Month of May, in the year 1532; which yet I do not remember his *Lordship* any-where to have pitch'd on. No, I can't see how he should, when he can't remember what himself has said of it (tho' perhaps some body else might say it for him) in the First Edition; when he tells us but in those very words I just now cited, That his *Lordship* seems soon to have known that the *Submission* was made by the *Convocation* in 1531, and 2. If he remember'd that the *Bishop* said right then, 'tis strange he should so soon forget it here. I am sorry his Memory is no better; if he is subject to such *Nods* as these in short Works, he ought to know his Abilities better than ever to engage in long ones.

He insults my Lord of S. for being inconsistent p. 18. with himself in stating the Times of the *Submission*; p. 19. Ad 1. sometimes assigning the year 1530, sometimes 32, and sometimes 34, for it. But he has already forgot, that in the very preceding Page he himself has assign'd
three

See p. 17,
18. of the
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three different Steps and Periods of the Submission, and that they were made in those years; only in Correcting my Lord's Errors, he has blunder'd himself, and assigns the passing the Statute which perpetuated the Submission, to 1533, which was really in 1534, as my L. of S. affirms. And 'tis strange, if my Lord knew nothing of this matter, how he should guess so right; and how Mr. Atterbury, that knows every thing, should be so mistaken. But however, it must be own'd he corrects his Error in the next Page, in about twelve Lines; where he tells us, That the first and last of these were above four years distant from one another: Altho' the first Act of Submission he makes in 1530, and the last in 1533, just before: One would have expected he should have been more exact in Computing; especially when he immediately subjoins a Censure upon my Lord of S. for speaking of the Submissions, sometimes as if they had hapned all at once. But 'tis the Fate of those that trust to others Eyes and Hands, often to fall into such Absurdities.

Hist. Re-
form. Vol.
1. p 130.

Had my Lord of S. been sometimes mistaken, he had a good Plea; and he was far enough from being positive, that in this matter he was always right. This account (says his Lordship) of that Convocation I take from that Collection of the British Antiquities, which is believed to have been made by Matthew Parker, who lived at that time, and was afterwards Archbishop of Canterbury. But the Convocation-Books being burnt, there are no Records to be appealed to; yet it is not to be supposed, that in a matter of fact, that was so publick and well known, any Man, especially one of that high Rank, would have delivered Falshoods, while the Books were yet Extant, that would have disproved them.

It is no great Wonder then, if upon new Discoveries, my Lord's Account should be found something defective. But how comes it to pass that Mr. A. that is so very confident, and delivers himself with such an over-bearing Air upon this Occasion, that neither complains of *loss of Journals*, or *want of Light*, (tho' he tells us not how he came by either) should so much blunder and contradict himself in the whole matter? He is very positive the Bishop of S. was misled by my Lord Herbert, in relation to a *Petition* made by the *Clergy*, when they were making their first Submission. But why should Mr. A.'s Transcripts, when we are not to know from what Originals they are drawn, be more relied on, than my Lord Herbert's Authority, who was very exact in searching Records, and was always allowed to be a very faithful Writer?

I was a little surprized to find Mr. A. in his *First Edition*, so much insulting others upon this whole matter of the *Præmunire*, and the *Clergy's Submission*, when it was certain he was all the while in the Dark. But his *Prevarication* in this, after he seems to have discovered the Truth, is much more amazing. Faults of such a nature, are (God be thanked) to be found in few other Writers. I am sure he has discovered none such in any of those Authors, whom, with all the Stock of Spite and Ingenuity he is Master of, he has set himself to defame.

I should now proceed to Examine Mr. A.'s Interpretation of the Act of Parliament; but since there are other hands engaged in that design, I shall only make some few Observations upon it. This I can be pretty sure of, that by the Act the Clergy lost some Power which they had before, and were tied up from some

Privileges, which they were wont to Exercise. And this must be taken for Granted, or the *Act* is Insignificant.

By the Canons of the Church received here, and by the *Common Ecclesiastical Law* of the Realm, the Archbishop of Each *Province* had the sole Power of Calling, Proroguing and Dissolving his Provincial Synod or Convocation. He was under no Tie in the Exercise of it; otherwise than as in Duty to the King, he was wont to Assemble it, whenever the Prince desired, or by Writ commanded the doing of it. After which, the Proroguing and Dissolving of it still continued in his Power.

The 25th of *H. 8.* has tied up the Archbishop's hands thus far, That he cannot Call or Dissolve the Convocation, but by the King's *Writ*. He is also bound to Prorogue it, whenever the King requires him: Because the King, by the Writ of Prorogation, withdraws, or at least suspends (during the Time limited for the Prorogation) *his Writ* for their sitting. But if the King does not interpose, the Archbishop may still Prorogue the Convocation as he pleases.

This is the Power which the *Act* has lodged in the King, and which the Archbishops are limited in the Exercise of. Let us then see what Restraints the rest of the Clergy are under; when the King has Called them by his *Writ* to Convocation. And 'tis probable we shall find, that their Power is something limited as well as the Archbishop's. If Mr. *A.*'s Accounts are true, their Authority is very uncontrollable; for I see no Synodical Power he denies them to be Masters of, beside that of making a Canon. He allows neither the King, nor the Archbishop, to have any Authority over their Debates; they have an unconfin'd
Liberty

Liberty to treat about what Matters they think fit, while the Parliament continues sitting ; which they never had before the Act was made ; which does not seem intended to Invest them with such a new Authority. What Restraints he will grant them to be under, we shall best see from his Explication of the Act. The Words of the Act, which are most controverted, and which seem to limit the Power of the Clergy, are, *That they, nor any of them, shall from henceforth presume to attempt, alledge, claim, or put in ure, any Constitutions, or Ordinances, Provincial or Synodal, or any other Canons ; nor shall enact, promulge, or execute any such Canons, Constitutions or Ordinances Provincial, by whatsoever Name, or Names, they may be called in their Convocations in time coming, (which always shall be Assembled by Authority of the King's Writ) unless the same Clergy may have the King's most Royal Assent and License to make, promulge and execute such Canons, Constitutions and Ordinances* — The First Member of that Clause, Mr. A. Mr. Atterbury says, is plainly intended to vacate all the P. 99. Canons already made ; The Second to hinder the Clergy from making any such for the future, without leave from the Crown.

But that this is not the plain Intention of the Act, may very fairly be denied, for these Reasons.

First, It could not be so plainly intended to vacate all the Canons already made, because there is a particular Proviso in the same Act, *That such Canons, Con-* See the Act. *stitutions, Ordinances and Synodals Provincial, being already made, which be not contrariant, nor repugnant, to the Laws, Statutes and Customs of this Realm, nor to the damage or hurt of the King's Prerogative-Royal, shall* Mr. A. falls upon Dr. W. p. 101. for suppressing this Proviso very unfairly : If Dr. W. omitted it, it could not be with design ; for it most certainly makes for him against Mr. A.

now still be used and executed as they were afore the making of this Act, till such time as they be view'd, search'd, or otherwise order'd and determin'd, by the said Two and thirty persons, or the most part of them, according to the tenour, form and effect of this present Act. And therefore it was superfluous, and a downright Contradiction to forbid the Clergy to attempt or put in ure any such Canons, as at the same time the *Act* intended to continue in force. So that it does not seem very plain, that the first Member of that Clause refers only, or at all, to old Canons.

Nor, *Secondly*, does it so plainly appear, that the Clergy are tied up only from *attempting any old Canons*; because that Expression, *Or any other Canons*, which is of a large Extent, seems to take in all sorts, *new and old*, Foreign and Domestick, let them be of what kind soever; and therefore the Sense can't be confin'd to those already made.

Thirdly, If *old Canons* only had been so plainly intended, 'tis very probable it had been so Expressed in the *Act*; For *Parliaments* in such Cases don't use to be sparing of words, that they may prevent all Doubts and Ambiguities, and set their Sense in as clear a Light as possible. The inserting the word *Old* before Canons and Constitutions, had for ever prevented all Disputes; that poor Monosyllable would not take up so much room, as that they should omit it upon that account. But if they intended to mean it, 'tis certain they studied Obscurity; and designed to lay a foundation of perpetual Quarrels and Divisions about their meaning. So that their not mentioning *Old Canons* in that Clause, is a good Evidence that they were never intended by the Parliament solely to belong to it. In the Preamble

amble of the Act the Clergy promise, *in verbo Sacerdotii*, That they will never from henceforth presume to attempt, alledge, claim, or put in ure, or enact, promulge, or execute any new Canons, &c. Now if in the former part of this Clause they meant (as Mr. A. affirms) old ones only, that they would never attempt, &c. It would have been highly necessary for them to have inserted their meaning after *put in ure*; and if they meant it without Explaining themselves, they were guilty of a very great Neglect; for they could hardly expect that every body would be as good-natured as Mr. A. to divide and unite their Sentence, in such a particular place, and understand a Substantive to be between these Verbs, when they have not left the least Intimation that they intended to have it so. As to the Canons that have been already made, they pray afterwards that Consideration may be had of them; and accordingly the Act is pass'd with reference to their *Petition*, to prevent their Claiming a Power to make, or attempting to make, any *Canons*, without the least mention of *old Canons* in that Clause; but particular *Provisions* are made afterwards in the Act with relation to them. So that if the *Clergy*, or the *Parliament* intended to mean *Old Canons only*, in this first part of the Clause, (as Mr. A. would have them) they took no care to express their meaning at all; which 'tis probable they would have done, when the addition of one short single word would have put the matter out of dispute for ever after. Where men mean honestly, as no doubt both the *Clergy* and *Parliament* did, there they usually endeavour to express themselves clearly. And therefore we ought to use the same Honesty and Sincerity in taking their words in such a Sense as they seem most naturally to bear: And if
the

the present Dispute is put upon this Issue, it will quickly be at an end.

A *Fourth Reason* why that part of the Clause does not restrain the Clergy from attempting and putting in ure old Canons only, is, That not one of the *Authorities* that Mr. A. has produced, favour that Opinion. What he urges from them all, amounts to no more than this, *That the Clergy have no Power to make or execute any Canons without the King's License.* But as for attempting, alledging, or putting in ure any new Canons, they take no notice of it; and therefore he argues, *That they never dreamt that the Clergy had lost that Power of treating or forming the Draught of Canons; They had a Right to proceed at least thus far, without any License from the King to authorize their Debates.* But their Silence in that particular cannot be brought for a Proof. All those he cites, give a Summary Account only of the *Act*, and repeat what Power they have not, in relation to making Canons, but none of them say that the Convocation has the least Power to act Synodically, except they have first obtained a *Royal License.* Mr. A. may as well argue, that my Lord Herbert was of opinion that the Convocation might make Canons without the King's Leave, because he only mentions in one place, *That nothing shall be promulged and executed without it;* as that because some have only said they may make no Canons, they may notwithstanding debate and treat about the making them. Some of those Authors express their sense by one, some by two, and some by more Words of the *Act*; some by making, some by publishing, and some by putting in ure new Canons; which by the way is a good sign that they thought that the first member of the Clause referred

p 118. &c.
2d Edit.

p. 339.

p 120, 121.

ferred to *New Canons*, since putting in ure is a part of that, and not of the *second*. But is Mr. A. sure that by *making* they did not intend the treating, or setting about the making? For to have a *License* to make, is to be empower'd to do whatever is necessary in order to that end. Now to treat is necessary in order to making, but otherwise is of no use. If therefore the Clergy must have a License to make, (as he allows they must) that alone may suffice to assure us, that they must have a License to treat too, in order to that end. For as a Liberty to make, necessarily includes a Liberty of debating previously thereunto; so where the one is denied, it may justly be presumed, that the other was intended to be restrained also. It being absurd to suppose, that the Law should have designed to tie up the Clergy from concluding, and yet to have given them a Liberty of treating, which is only of use in order to concluding.

There are indeed Authors that say in some places, That the Convocation can't make any Canons without the King's leave: But yet 'tis plain from other Passages, that they did not by that Expression intend that the Convocation could do every thing that was antecedent to making, without Leave. Mr. *Smalridge* Reflect. p. 20. in one place says, That the Clergy promised to enact no *New Canons*, without the King's Assent; Yet 'tis plain from another Passage, that he thought they could do no Church-Business at all without a Royal License. As for Fuller's Assertion (says he) that the Convocation had no Commission from the King to meddle with Church-Business; it is only a Conjecture which he makes from the Silence of the Records. So that 'tis evident, whatever he had said before, he thought (with Fuller) a License necessary to empower them to do

Ibid. p. 74.

do business; and only thinks that his Silence is not a Proof that they had it not.

Dr. Zouch and Bishop Sanderson are other Evidences, that *making Canons* with a License, does not imply a Power to do all other antecedent *Acts* without one. They both say in some places, That the Clergy can make no *Canons* without a *License*; but in others, That they can't so much as *treat* about making, *without one*. See *Sand. Ep. & Zouch descr. Juris & Judicii Eccles. Sect. 1, 2.* Which plainly proves against Mr. A. That those who say no more, than that the Clergy can *make no Canons* without a *License*, did not think that they could do all Church-Business, that is previous to the *making* a Canon, without it.

5. Another Reason why Mr. A.'s Interpretation of the Act is false, is, Because Mr. A. has produced several substantial Authorities against it: One is *The Authority of the Convocation it self, which set out the Institution of a Christian Man, a few years after they had submitted.* In the Dedication of that Book, the Clergy employ'd to compose it, address'd the King after this manner: *Without your Majesty's Power and License, we acknow'edge and confess that we have none Authority either to assemble together for any pretence or purpose, or to publish any thing that might by us be agreed on or compiled.* Mr. A. has indeed cited this Passage as making for him; but 'tis pretty difficult to find how it does so, without being well skill'd in his Arts of evading the Force of any Arguments. *These words* (says he, with his usual Assurance) *evidently imply a Power of agreeing upon, or compiling (tho they deny that of publishing) any Determination or Doctrine.* They evidently imply a Power, but 'tis as evidently implied, and something more,

more, because 'tis express'd, that they must have a License from the King to give it them. They confess they must have a License *to meet together to act as a Convocation, or for any pretence or purpose.* But when Mr. A. was consulting this *Dedication*, he might have found another Passage in it, worth his observing. Towards the beginning of it the Clergy thus express themselves: *Your Highness commanded us now of late, to assemble ourselves together, and upon the diligent Search and Perusal of Holy Scripture, to set forth a plain and sincere Doctrine, &c.* Which is a plain acknowledgment that the King had assembled them, and that he had prescribed them the Business they were to do. He might have cited this as well as the other, because it concludes against him. For he has this very particular way of managing Controversy, he is well aware what Authorities oppose his Notions: If they are downright Enemies, he denies them to be Legal Evidence: If by Fraud, or perverting their plain Sense, he can reduce them to his Opinion, he takes that method for imposing upon his Readers Credulity: And if Confidence of being in the right, can have any Influence, his Readers are sure never to want a Byass.

Dedic. of
the Inst of
a Chr. man.

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p. 450.
2d Edit.

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The *Second* of these making entirely against Mr. A. he says, *He would desire to be excused from believing that it was drawn up by Dr. Cofin.* The *Tables*, it seems, were a *Posthumous Piece*, and therefore Mr. A. thinks they were published by some *Ignorant, Designing* Hand, with this Alteration, to favour a Power which King *James* the First had at the very beginning of his Reign usurped over the *Church*. Mr. A. may believe what he pleases; his Faith indeed seems to be more extensive than his Charity; but 'tis to be hoped, that there are some Men in the World that are better Friends to Truth, than to entertain an opinion of Mens *Ignorance* and *Dishonesty*, purely upon Mr. A.'s word.

Ibid.

But Mr. A. need not have told us what he believes in this particular, since he has so good a Faculty of turning every thing to his own Sense, tho the literal meaning is never so much against him. For he says that there was a *double Tractatus* about any thing to be ordained in a *Synod*; the one, *ad proponendum Regiæ Majestati*; the other, after Assent obtain'd, *ad discernendum & constituendum*: Of this last sort of treating, Dr. Cofin may fairly be understood, which indeed is the only one that is properly Synodical, the first being *Novel and Foreign*. Must this sort of treating be meant by Dr. Cofin? Then he means nothing by determining; for this sense of *treating* is the same as determining. People may be deceived by such Methods of interpreting, if they please. *Contra pertinaciam nullum remedium posuit Deus*. But if these be allowed, any Jesuitical Interpretation of Scripture that has yet been offer'd, may pass for its true and genuine Sense.

The true meaning of treating in a Synod, is to advise, consult, and deliberate about matters of Religion; and that is the most obvious and natural Sense of it; whether with a design to propose to, or consult the Prince about the Debates, or not. But why is Mr. A. so positive, That the treating about any thing in a Synod, *ad proponendum Regiæ Majestati*, is Novel and Foreign? Especially when in Fifteen Lines farther he contradicts it (or, 'tis probable, had forgot what he had just said, since his Memory is so very short) and gives Instances that the Practice was ancient and usual amongst us. I shall transcribe them as he has delivered them. *Act. MSS. Conv. incæptæ* P. 452.
Jan. 20. 1541. Feb. 24. The Prolocutor brings in, *Capita quorundam decretorum contra blasphemos, perjuros, & jurantes per Deum, & ejus sacrum Nomen. Quibus lectis visum est Reverendissimo & reliquis patribus consulere Regiam Majestatem, in hac parte quid sit statuendum.*

Mart. 17. Reverendissimus cum Patribus legebat tres Schedulas, unam de illegitimis contractis Matrimoniiis, &c. super quibus duxerunt Regiam Majestatem consulendam.

So that if Mr. A. will grant that these things were proposed to the King, when he was consulted about them, the practice is not so Novel and Foreign. But 'tis probable he will find out a Method of consulting the King upon matters, without proposing them.

But Mr. A. again forgetting where the Stress of the Dispute lies, comes in effect to give up his Cause. Drawing his Conclusions from his Premises, he sums up all in these words: *Upon the Terms therefore even of this Decision of Dr Cosins, if indeed it*

were his, the Convocation is supposed to have an Original Right of treating *de consulendo Principe*, and about every thing that was a necessary step towards such an Application; i. e. of treating preparatively in order to propose, that so they might obtain a farther leave of treating finally in order to decree. But he might have remembred that he told us a little before, That Dr. Cosins said there was no *tractatus* to be, nisi *consentiente & assentiente Principe*. Mr. A. thinks *consulto* would be better for his purpose, that he has good Authority from MSS. for reading it; his own Conjectures he means: But granting it should be *consulto & assentiente Principe*, it is plain then they are prohibited to treat about Church-Business, till the King has been advised with, and agrees that they may so treat and debate. But Dr. Cosins says nothing like the Clergy's having a Right to treat *de consulendo Principe*; or if he did, would it make any thing at all for Mr. A. because if the King does not forbid their sitting, there's no body denies them the liberty of petitioning. So that what Sense soever *tractari* is to be taken in, which can never be the same with *determinari*, because then it could not have been used with it; 'tis certain that the King's Leave or License is declared to be necessarily previous to it.

B. 453.

The next Authority against Mr. A.'s Opinions, is Dr. Zouch; But he, as Mr. A. says, relied implicitly on Cosins's printed Tables, and from thence transcribed these Positions, almost verbatim, into his *Descriptio Juris & Judicii Ecclesiastici*, and therefore that is no new Authority.

But this, according to Mr. A.'s Method is said at all adventures. Dr. Zouch was a man of great Sense
and

and Judgment, and of extraordinary Skill in his Profession, and therefore would not rely on another's Opinion, without fully considering the Reasons why he did it. He takes no notice in the least of Dr. *Cosins*, but gives his own Opinion upon the Act of Parliament, without mentioning any others. He delivers it indeed as a Notion commonly received, but refers to no Authority. And therefore his Sense of this matter, declaring the Necessity of a *Royal License*, before the *Convocation* can treat of any Business that relates to the Church, ought to be decisive: Especially when it has never been opposed either in *Fact*, or by *Writing*, till within these Three or Four Years.

The last Authority is the Resolutions of the Judges *Ibid.* in *Coke's Reports*; which, Mr. A. says, *if narrowly look'd into, abundantly justify and confirm the Accounts he has given*: And, indeed, it requires a very narrow inspection to see his Accounts there justified. They are, as he cites them, thus:

1. *A Convocation cannot Assemble without the Assent of the King.*
2. *After their Assembly, they cannot confer to constitute any Canons, without License from the King.*
3. *When upon Conference they conclude any Canons, yet they cannot Execute them without the Royal Assent.*

Now the natural meaning of these Resolutions seems to be this, That the *Convocation* cannot assemble but by the King's Authority; nor attempt the constituting, or Debate about constituting any Canons, without his License; nor when after Debating, they are come to Resolutions, can they Execute them without the
Royal

Royal Assent : This sense, I am sure, the Words naturally bear ; and they can't be understood otherwise, without putting a strange force upon them. For the Words, *Cannot confer to constitute*, upon which the Dispute turns, clearly forbid them to *confer* about *Constituting*, or with a design to *constitute* any *Canons*, unless the King first sends his *License* to that End.

P. 454. But it is necessary to consider, what Sense Mr. A. upon his *narrow looking into these Expressions*, has found out for them. Why, to *confer to constitute*, if we may believe him, is so to *confer*, as to *constitute* ; and therefore the Judges intended only in the Second, what they re-capitulate in the Third ; namely, upon conference to conclude ; and that he is very positive is the only meaning of the Second Table. By this method of Explaining, Mr. A. is sure never to be at a loss ; and 'tis no great Wonder that he can with so much assurance deny that he ever ask'd any Favour of the Bishop of Sarum ; which is very true, if by that is meant, that upon asking, there was no *preferment* obtained. And 'tis plain, he must mean that by it, or else it would suppose Mr. A. to ask what was never granted ; which would be *absurd* and *impossible*.

P. 455. But he urges, That unless by *conferring to constitute in the Second Determination*, the same be meant as by *concluding upon Conference in the Third* ; there is no Branch of this Opinion wherein a *License to decree Canons* is declared necessary : for in the Second they will be forbid only to treat about *Constituting*, and in the Third to *Execute*. But as to the *Synodical Act* which comes between these two, viz. *Their constituting, making, or final passing of Canons* ; nothing will be determined concerning it. But this Objection is not to the purpose ;
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What *License* is required to the making and constituting Canons, is not now the Point in dispute; tis certain that these *Tables* forbid the *treating* about *constituting Canons* without a *License*; and if they could not treat without a *License*, to be sure they could not *make Canons* without one: But however, the Power to *make and constitute Canons* after having a *License*, is implied in the *Second Determination*; for the same *License* that empowers them to *confer to constitute*, authorizes them also to make and constitute Canons, but not to *execute* them, without the Royal Assent. With the King's *License* they may *confer about constituting Canons*, may, upon their Conference *conclude*, that is, make and constitute, and with his Assent may afterwards execute them. And this is evidently the true and unforced Interpretation of the *Resolutions of the Judges*; And I submit to the Opinions of their *Lordships*, that the Convocation cannot *confer to constitute Canons* without the King's *License*; and I desire nothing more, than that they would Explain themselves upon it; and if they think this Explication false, I shall very readily acquiesce in their Determinations, whatever they may be. To their Judgments therefore I appeal; and I heartily wish, they would be desired to put an End to this unhappy Controversy.

I take it for granted, that all *Acts* of Parliament were designed to be Express'd clearly and plainly; and that the *Resolutions of Judges* about them were not delivered in ambiguous Terms, but such as those who are unacquainted with the Law, might very easily understand. And now let this whole Controversy be put upon this Issue: If every one would but make use of his own Senses and Understanding, and pass
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Judgment upon the *Act of Parliament* of 25 H. 8: without prejudice, according to the sense that the Words seem naturally to have, and which they have always been received in; and then 'tis very probable, that there would not be many different Opinions about the Matters now in dispute. An unwary Reader may be seduced by Mr. A's. forced Interpretations, and his disingenuous perverting the natural meaning of Words; by his scornful manner of treating his Adversaries, and by that assuming Air, and positive way of Expressing himself, that appears thro' his whole *Work*; but if he will take the Liberty to Judge for himself, and believe that Words signify, according to the usual Acceptation of them, he will then act fairly, and like a Christian, be led by his own Conscience and Persuasion, not follow blindly the Cry of a Party, and not believe that every one is in the Right, that has confidence enough to say he is so.

Lastly, it is not very Evident that Mr. A's Interpretation is the plain Intention of the *Act*; because the Practice ever since declares the Contrary. It can't perhaps be made appear, that the *Convocation* never acted at all till they had a *License*; but 'tis certain that it can't be proved, that ever they attempted any *Canons* without one. Sometimes Licenses were sent in Writing, which the *Convocation* in *Edward the Sixth's* time, petitioned for, as I shall shew by and by; sometimes, probably, it was delivered by *Word of Mouth*; and sometimes under the *Broad* or *Privy Seal*, which method, if it was not older, has however a *Hundred years Prescription*. That a *License* should be under the *Broad Seal*, is not necessary; nor is it required by the *Act of Parliament*. And here the

the main stress of this part of the Dispute lies, Whether the *Convocation*, when called by the King's *Writ*, can Act as such, can treat or do any business Synodically, without a particular *License* from the King.

And this matter may be farther decided by the Practice of the *lower House of Convocation* in 1 E. 6th. These Men were, probably, most of them alive, if not present, at the making of the *Submission* in *Convocation* in H. the Eighth's time; and therefore best Judges of the sense and design of it. Their Petition, which is to be seen at large in Bishop *Stillingfleet's* *Irenic*. 5. 88. *Irenicum*, has some very remarkable Expressions in it; after it had recited the Statutes of the 25 and 27 of H. the Eighth, and the Promise of the Clergy; That they never from thenceforth would presume to attempt, alledge, claim or put in ure, or enact, promulge or execute any new Canons, Constitutions, Ordinances, Provincial or other, or by whatsoever other Name they shall be called in the *Convocation*, unless the King's most Royal Assent and License may to them be had, to make, promulge and execute the same: And his Majesty to give his most Royal Assent and Authority in that behalf, upon pain of every one of the Clergy doing the contrary; and being thereof convicted, to suffer Imprisonment, and make Fine at the King's Will, &c. It concludes thus: The said Clergy being presently assembled in *Convocation* by Authority of the King's *Writ*, do desire that the King's Majesty's License, in writing, may be for them obtained and granted according to the Effect of the said Statutes, authorizing them to attempt, entreat and commence of such matters, and therein freely to give this consent, which otherwise they may not do, upon pain and peril premised.

Also the said Clergy desireth, that such matters as concerneth Religion, which be disputable, may be quietly and in good order, reasoned and disputed amongst them in this House, whereby the Verities of such matters shall the better appear. And the Doubts being opened, and resolutely discussed, Men may be fully persuaded, with the quietness of their Consciences, and the time well spent.

Now if this *Petition* can be proved to be authentic, it must be granted to speak the Minds of the Clergy of those times. But Mr. A. who never wants Art to disguise and perplex the clearest Evidence, has several things to urge against this; and these must be considered. Whether his Objections are material or not, is not what he seems to design. If they can amuse and confound his Reader, and carry him off from regarding the main Point, he gains his End, as much as if he had argued all the while to the purpose.

His first Objection he grounds upon the *Silence of the short Acts of that Convocation*, preserved by Archbishop Parker, in relation to the *Petition*. But these Acts he mentions are very short, and contain little more than Matters of Form, and some few Heads of what was then in Agitation. However, even from them it appears, that they did not attempt to make any *Canons*, and it lies upon Mr. A. to shew that they did. The Silence of those Minutes is no proof; and the *Petition* might be approved and presented by the lower Clergy, tho' they mention nothing of it.

His second Reason why the *Petition* was not presented, is, Because it had in all probability been one
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of the first Steps the Convocation would have taken; how soon it was presented, does not appear; it is very probable it was deliver'd before that motion was made, which Mr. A. refers to the Statute of the *six Articles*, because in these Petitions sent to the Bishops a little before this, which were the first Requests that were made, we find not one word of a Motion concerning the *six Articles*, which certainly would have been taken notice of by Bishop Cranmer, had there then been offered any thing of that nature. But all this Arguing of Mr. A. is bringing his Conjectures against a plain matter of Fact: That the Clergy of the lower House desired a *License* to treat, is certain; and it is as certain that their Petition was *presented*; because otherwise Archbishop Cranmer, in whose Manuscripts it is, and to whom it was presented, would not have had it, nor should we probably have known any thing at all of it. Iren. Ibid.

But it will be demanded why the lower House should be suffered to assemble and sit so long, if a *License* was not designed them, - and they could not act without one? The true Account of that matter is this: King Edward the Sixth, at the very beginning of his *Reign*, was resolved to enter upon a thorough *Reformation* of Religion. In order to this, a *Parliament* and a *Convocation* were summoned: by the one, a great many Statutes relating to Religion were recalled, and Liberty allowed for professing the Gospel according to the Principles of the Reformers; and all persons that were banished for Religion were called home. See Stil.
Iren. Ibid.
Fox's Mar-
tyrol.
Tom. 2. But for the better *Establishing* Religion and the Publick Order for Divine Worship, it was necessary that the Clergy should be consulted: but then it was not at

first resolved, whether this weighty Concern should be referred to a *select Number of Divines*, or to the whole *Convocation*. This being for some time in suspense, and the Clergy, tho' met in *Convocation*, having no *License to Act*, the Lower House sent up some *Petitions* to Archbishop *Cranmer*, and the other Bishops.

Those *Petitions* which are set down by Bishop *Stillingfleet*, being sent to the Bishops, and no Answer returned to them, they made and presented that other which I have now mentioned for the obtaining a *License*. But what Effect soever that had, 'tis certain that, according to the Tenour of their first *Petition*, a select Number of Divines were soon after called by the King's Order at *Windsor-Castle*, where after long, learned, wise and deliberate *Advices*, they did severally conclude, and agree upon one uniform Order. But in the *Convocation* there was nothing done, of that nature, and that could be only for want of a *License*; for they sat (according to Mr. *A.*) for some Weeks, and had probably went upon Business of Consequence, if they had been permitted. But it being thought more advisable to refer that whole Matter to a *select Assembly of Divines*, it was at last resolved upon accordingly; and the *Convocation* did no more interpose in that Affair. The Reason why they sat all that while, (since we must take Mr. *A.*'s word for it that they did) I have accounted for; and why they did not *Act*, was, as themselves confess, for want of a *License*. And upon that account it was that they did not presume to attempt, alledge, claim, or put in ure, any *Canons*, new or old, which they were forbid to do by the Submission-Act. And upon this the whole Dispute turns. They owned that they had no Power to meddle with any Business without a *License*,

a *License*, tho they were before called by the King's Writ, and tho he did not forbid them at first to sit. And what Restraints they were under, the Clergy are still under now; and the *Convocation* can no more *Act* without a *License*, than the Clergy did then. So far they may go; farther they cannot. And this Practice of the *Convocation* is of so great Importance, and the Judgment and Sense of the Clergy then, may serve so very much to set men right now, that I shall think it necessary to remove every Objection, tho never so trifling, that Mr. A. has drawn up against them.

His Third Objection is, *The Paper it self* (*that* p. 443. 2d Edit. *part of it I mean which prays a License*) *has such manifest Mistakes in relation to the Submission of the Clergy, and the Statute enacting that Submission, as one cannot suppose the whole Lower House of Convocation could well fall into. For it confounds the Preamble of the Act with the Body of it; reciting that part of the Statute which declares the Penalties, and an whole Proviso, at the end of it, as if they had been the very Words of the Clergy's Submission; which it is manifest they were not, and could not be.*

This Objection has no Truth, or if it had, has yet no Strength to support it. For there are neither Mistakes nor Confusions in the Petition. It gives an *Abstract* of the Clergy's Submission, and the Statutes consequent upon it; and it is easy enough to distinguish which is alluded to in every part of it. It is also false, That the Statute which declares the Penalties, and an whole Proviso at the end of it, are recited as if they had been the very Words of the Clergy's Submission. For 'tis certain the Petition refers to the Statute, and not to the Submission, as is evident from

See the Petition at large in the *Trinit.*

from the Words that immediately follow the Proviso which he means, *viz. Which Statute is estfoons renewed and established in the 27th year of the Reign of the said most Noble King, as by the Tenor of both Statutes more at large will appear.* But had the Clergy been a little confused in making their *Abstract*, yet that can't pass for an Evidence against the Petition's being Authentick.

It has been indeed the Observation of some Readers, more nice, I think, than wise, that *The Rights, Powers, and Privileges of an English Convocation*, was the Device of more projecting mens Pens than one, That several sower and melancholy Collectors of Scandal, and old Records, had contributed their Common-Places to patch up this Work, and that Mr. *A.* had little more to add to it, than a *Word or two in the Title-Page.* That if there had been but One Compiler, it would not have appeared so confus'd and immethodical; more Order, and a better Connection would have been observed; all Contradictions would have been avoided, especially within a few Pages, and sometimes in the space of Ten or Twenty Lines. But Mr. *A.* ought not to be denied the Honour of being the Author, upon such Suggestions. Too many Materials might occasion Confusions and Distractions, and Haste in transcribing, and Inconsiderateness, might lay a sure foundation for Absurdities and Contradictions. This however may shew the Invalidity of Mr. *A.*'s Objection, founded on the Mistakes and Confusions that may appear to him in the forementioned Petition of the Clergy.

He can't have done with this *Petition*, without throwing some of his Spiteful Reflections upon the
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Bishop of Sarum, and Bishop Stillingfleet about it. My Lord of Sarum (says he) p. 444. not informing us whether the Paper from whence he transcribed this Form, was an Original (as when it is so, he generally does) I must take leave to suspect that it was not. This and the following Insinuations upon his Lordship, are very unfair; for Mr. A. must be sensible that my Lord of S. could not call it an *Original*, and because he does not, we may be sure it was not one; for Bishop Stillingfleet had copied it into his *Irenicum*, near Twenty Years before; and his Lordship's saying so little, was, no doubt, because Bishop Stillingfleet had said so much, and had so well defended its being genuine, that one would have thought it should never have been controverted.

Indeed Bishop Stillingfleet, says he, who first produced it, seems to say, That it was found among Archbishop Cranmer's Papers. Men that act fairly, don't use to mince matters thus: That Bishop does not seem to say, but says it positively, That it was *Authentic*; That it was Archbishop Cranmer's own MS.; and That by the Hand of Providence it came happily into his Hands; Iren. p. 386. That he exactly transcribed it out of the Original, and had observed generally the Form of Writing at that time used, p. 393. Which the Reader that is curious in these matters may consult. He gives an Account of several other Papers bound together in a Large Volume by Archbishop Cranmer. Mr. A. may cite his hidden Records as he pleases, and endeavour to impose upon the credulous part of the World, with Authorities which no body knows where to find. Truth is seldom ashamed to shew her Face: Why does he not always tell whence he drew his Papers? that it may be seen whether he has acted

acted fairly or not; whether there are no Forgeries, and sly Practices, as a great many people suspect, and not without ground. If he will use Printed Books thus untowardly, what may not we think he will do with MSS. that lye in the dark. The Bishop of S. has I think too much reason to complain of being thus unfairly dealt with. He often accuses the *Bishop's History* of Mistakes, but does not inform him by what Authority, whether from MSS. his own or other mens Suggestions. In God's Name let Truth come out, let him produce what he has to urge against that Bishop, but let him act fairly and above-board; let him show us where to find his Authors, that they may be examined; that his Lordship may either be entirely vindicated, or be prevailed with, as I dare engage he will, upon thorough Conviction, to correct his Mistakes.

As to the present Dispute about the Power of a Convocation, he can't long impose upon us; the main Points may easily be decided, and those Disguises he has thrown upon them, won't be long a plucking off. A great part of the Controversy turns upon the Authority and Sense of the *Petition* of the Convocation of E. 6. I am now considering. And I don't question but the Reader is well satisfied that it is *Authentick*.

But if it were so, Mr. Atterbury has this further to say to it: That if we allow this Petition to have been actually offered, yet it is certain that it had not its Effect, and that no License in writing issued upon it. I don't know any body that says there did; 'tis indeed certain they had none, nor did they do any Synodical Act; however, what they did, was not within the Act that forbid them to attempt to make any new Canons

ness, or to settle any order in relation to Religion; and it lies upon Mr. A. to prove that they did. All that was done of that nature, was by a *select Number of Divines*; and what he calls *Acts of the Convocation*, were chiefly *Petitions* to the Bishops: So that 'tis evident their Doubts were not over-ruled, and the Judges or the King's Council could not possibly give their *Opinions* against the necessity of such a *License*; since the *Convocation* had none, and neither did, or durst it act without one. And 'tis certain that *Archbishop Cranmer*, who has left us this Paper, would have set some Mark of Dislike upon it, if it had been either needless or over-ruled. We are not therefore in the dark as to the Event of that *Petition*; it was presented beyond dispute, but no *License* was issued out upon it, for the *Convocation* to enter upon Business; and 'tis certain they did none that could be interpreted the attempting to make a Canon. And their doing no Business of that nature without a *License*, shews that they could not do any; and that it was the universal opinion of those times, that they had no Right by the Laws for their proceeding to act as a Synod, till a *License* was granted; which does in effect amount to a determination of the Point in question.

But Mr. A. to shew his Skill in History, is for assigning some probable Reasons why the Clergy might present such a *Petition* for a *License*, tho they were convinced it was not necessary. But these Reasons, as it happens, are every one of them false. Neither his *Historical* Account, nor his Judgment upon it, supposing it just, can possibly be allowed. He tells us, the very Time and Circumstances in which the *Petition* was framed, will sufficiently account for it, and shew us the unreasonableness of setting up this Instance

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p. 417.
2d Edit

as a Precedent. The Nation was then in an high Ferment, and the Popish Party both in the Convocation, and out of it, strong; and to be sure, watchful to make use of all advantages against the Reforming Clergy; in whom therefore it might be prudent to arm themselves for the Great Work they were going about (a thorough Reformation of the Doctrine and Discipline of the Church) with the largest Powers they could procure, whether in strictness of Law they needed them or not. They themselves could not well doubt whether they had such a Freedom of Debate as they were permitted to enjoy by H. 8. himself; a Prince jealous to the utmost of every the least Encroachment on his Prerogative, and careful to put every Method he fairly could in practice, which might be of use to humble the Clergy. This Petition therefore cannot be supposed to express their Sense of the Act, but their Fears rather of the Construction which some of the Men in Power might put upon it. And under this View a License might appear, tho not necessary in it self, yet useful to prevent the Malice of their Enemies, and to allay the Doubts of their Friends: To take away all excuse from those who pretended to be under the Awe of that Statute, and every way increase and animate their Party.

Indeed it would be a very good way of animating and increasing their Party, to give up a known and a certain Right, and to lessen and sink their Ecclesiastical Authority, by asking a License to Act, when they had an entire Liberty without it. Such a degrading themselves, would not be a likely way to gain many Profelytes. Most men naturally love Power, (as Mr. A. well knows) and are apt enough to run in with those that can put them into a method of ruling and insulting others, without considering or enquiring whether their Pretences are

are just or not. So that such a *Submission* would rather dishearten than encourage their Party, and would much sooner lessen than increase them.

But why should this *Petition* proceed from Fear? One would think this Author did not know that *Edward the Sixth* was of the *Reform'd Religion*; and therefore I shall beg leave to inform him, That not only Himself, but the *Protector* and the *Archbishop* were of the same Persuasion too. And if these were their Friends, they had no great reason to be much afraid of those in Power.

Nor, if the Clergy in Convocation had a liberty to debate without a *License*, would they have petitioned for one, *because of any advantages the Popish Party could make use of against them*: Because for this very reason they would have omitted it. The *Popish Party* always objected against the *Reformed Clergy*, their Loss of Power, and their resigning of their Privileges into the hands of their Prince: And therefore if the *Clergy* had still retained their Liberty of *treating and debating* about making Canons without the King's Leave, they would certainly have made use of it, to answer all *Objections* that were urged against them of that nature; and to make it appear that it was only a Calumny of their Enemies, that they were under such *Restraints*. So that what Mr. A. objects from the Time and Circumstances in which the *Petition* was framed, plainly makes and concludes against himself: Because if the *Reformed Clergy* had such a Liberty without a *License*, they would certainly have made use of it, at a time when they had the *Supreme Power* on their side; and when their making use of it would have been an evident Proof that the *Objections* of their Enemies were false and groundless.

Ibid.

But what does Mr. A. mean when he says, *That the Clergy enjoyed the freedom of debating in H. 8.'s time?* To say they had such a freedom of debating about making Canons, before the *Submission Act*, is ridiculous and impertinent: And to say that they so acted afterwards, without a *License*, is what is indeed very usual with him, to assert confidently what he knows, or might know at least, he can't prove. For the Clergy neither exercised nor claimed such a Power afterwards, either in his or any of the Protestant Princes Reigns in *England*. And when he can prove that they did, then let him with his Insulting Air require Dr. Wake to submit.

Pl 448.

What he insinuates, concerning the *Commons making once a Request for Liberty of Speech*, is trifling and insignificant: Was there ever any *Act* to restrain them? Did they ever petition for a *License* in writing? Or has it been the Practice at any time since, to have a *License* to debate under the *Broad* or *Privy Seal*, as the Clergy have had for this Hundred Years, besides the *Writs* by which they are summoned? If they have not, his Instance is Foreign, and neither shews Reading or Judgment.

The Conclusion of the whole Matter is this: If the Petition for a *License* in *Edw. 6th's* time is Authentick; if it was presented, as certainly it was; if the Clergy could have no reason for their making and presenting it, but the sense of their having no Power to Act without it, 'tis certain they were of opinion, That they were restrained by the *Act of Parliament*; and that they were obliged not to enter upon Business till they were empower'd, as the *Act* specifies, by a *Royal License*. Most of them lived, and were probably present at the making of the *Submission*; and therefore they were sensible it would be flying in the Face

Face of *Authority*, and acting in direct Opposition to their former Opinions, to break a Statute which had limited them by their own *Promise and Consent*. And therefore tho they might sit for *Five or Six Weeks*, yet wanting the King's Grant to authorize them to *Attempt* the making any *Canons or Constitutions*, they did not violate any part of the Statute, by attempting any such Canons, and so were sent home without so much as *treating or debating* about any matters of that kind. The management of that whole Affair being committed to a select Number of Divines.

I think it would have been sufficient to have set down this *Petition*, and the *Act of Parliament* which occasion'd it, and left it to the Reader to judge for himself of the true and natural meaning and intent of it, without adding any *Remarks* upon it. But Mr. A. having taken so much pains to obscure and perplex it, made it necessary to examine the grounds of his *Conjectures*; and to make even that clear and evident, which one would have thought could never have been mistaken.

Hitherto it seems pretty Evident, that a *Convocation*, when called by the *King's Writ*, and permitted by him to sit, had no Power to *attempt* any *new Canons* without a *particular License*; at least, that they thought they had none.

But if they had no other *Precedent* but this, and the *Convocations* ever since had *deliberated and advised* about making *Canons* without a *License*; *Custom* perhaps, and *Prescription*, might by some Men be thought to have decided against the Necessity of it. Therefore the *Practice of Convocations* since must be Examined for a farther Illustration of this matter. And if it appears that *Prescription* and *Immemorial Custom*

Custom do plead in the behalf of the King's License, besides his Writ, by which the Convocation is summoned, the Controversy, one may hope, will soon be at an End, and the false Colours that have been put upon it, will be taken off. But that part of the Dispute being undertaken by another Hand, who has engaged to oblige the World with the particular Accounts of the Practice of *Convocations* in relation to *Licenses*, I shall offer nothing more upon it. What Remains there are of *Licenses* in Queen *Elizabeth's* time, and how distinct from the Writ of Summons, I shall leave to that Hand to account for: As also to shew how disingenuously Mr. *A.* has dealt in that whole matter.

It is undeniable, that in the first Year of King *James* the First, (and it is not probable he would pretend to a Power beyond his Predecessors so soon) the Convocation acted by the Authority of a Royal License, and they have never since that time done any business from which the Act restrained them, without one. That the License was always under the *Broad Seal*, I will not affirm; it is not required by the Act, nor is there any Stress laid upon it. As to the Chusing a *Prolocutor*, and *having Prayers and a Sermon*, there is no body asserts, that I know of, that they must be qualified by a License for Proceedings of that nature. Mr. *A.* might have spared his Learned Pains and Eloquence in producing Instances of that kind, and declaiming upon the Usefulness and Advantage of continuing them. But what business soever they may proceed upon, without a *License*, if the King should give them leave to sit; 'tis certain, that if he denies them that Liberty, and that he has a Right so to do, 'tis no great matter which side has the advantage in this part of the Dispute.

I have

I have now consider'd the most material Points of Mr. A.'s Book ; have shewn, that all his Arguments are defective, and that he has neither Law nor Custom to support his Cause. He has not produced one single *Precedent* to shew, That the Clergy ever sat, or attempted to make *Canons* in their *Convocations*, since the *Act* was made that restrain'd them, unless when call'd upon by the King, and empowered by his License.

And therefore I shall venture to Oppose this to Mr. A.'s confident Assertion : *That the Convocation have no Right to sit and act, but what they derive from the King ; That this Supreme Power over our Convocations is lodged in him by the Laws of the Land ; That he has Exercised this Authority at pleasure ; and that it was never disputed or denied him before this Reign :* “ And “ that his Notion is both novel and false , That “ the Convocation, or Provincial Synod, is a Par- “ liamentary Body ; And that whether the King will “ permit them to attend or not, the Clergy have a “ Right of Attending, and the Lords and Commons “ a Right of being attended by them.

See Mr. A.
p. 503.

This is the Substance of the Dispute ; and if Mr. A. has no *Law*, no *Authorities*, no *Custom*, and no *Precedents* on his side, but has all these plainly against him ; *i. e.* If our *Laws* have invested the King with the Power of permitting or denying the *Convocation* to sit when he sees convenient ; if all the *Authors* upon this Subject have asserted this Right to belong to him ; and if it has been *customary* for all our Kings, ever since the Reformation, to Exercise this Power at pleasure ; and if there are *Precedents* without number to justify all this, then that Man that denies it, or any part of it, can neither be thought a Friend to the Government, or to the Peace of the Church or Nation.

For

(60) *This Opposing the K.'s Supremacy, great Ingratitude.*

For what Reason this Storm is raised against the *King's Supremacy*, and why an Authority, that has been quietly submitted to for above an hundred and fifty Years, should be thus clamorously disputed, God knows. Has our Excellent Prince given any Occasion of Distrust? Has he shown himself an Enemy to our Constitution? Or is he upon any Designs of ruining our Church, and subverting our Laws and Religion? Or has he usurped any Privileges that were not allowed his Predecessors; or ever denied to defend us, with the hazard of his own Life, from the Encroachments of illegal and arbitrary Power? But, on the contrary, if in asserting our just Rights, he has been our Great Protector and Deliverer, more than any Prince before him; it looks like a piece of Ingratitude not to be parallell'd, to declare an open War against his just Rights and Privileges. Let not Posterity know, that he that restored us to our just Rights, was ever denied any of those Rights which are as truly his.

Had there been Mistakes and Contradictions in Mr. A.'s Book without number; had all his Historical Digressions been false, and his main Argument without so much as an appearance of Truth; yet had he not trampled upon the just *Authority* of the *Sovereign*; and had he writ with that Temper that became the Cause of *Religion* and the *Clergy*; and had he not treated all those that opposed his Principles, with the utmost Rudeness and Contempt; if he had not raised a difference among his own Order, by his unfair Representations, and divided them into Parties by an unjust Claim to the Prince's Power. If he had not given Offence to those who wish well to our Religion and Constitution, and furnish'd out
Materials

Materials of Raillery and Diversion to those who are Enemies to both, his Work might have pass'd for the Effect of a misguided Zeal; and the Sincerity of the Design might a little have attoned for the Errors of the Performance.

But since his Principles are Erroneous, and his Management of them Unchristian; it is to be hoped, that, if he has no Truth, he will have no longer any of the Clergy on his side. And no doubt but those who make our Laws, and defend the Rights of the Subject, will also take care that the King shall not be deprived of His.

Advertisment.

I Find upon a Review of Mr. A.'s Book, I was mistaken in thinking he was so candid as to omit the Reflection he had made upon my Lord of S. for the Reason he gave of the Clergy's being involved in a *Præmunire*; for tho his Additions were silent, it is inserted in his Book. But in answer to it, I shall only tell him, that he has cited my Lord's Accounts imperfectly: For he no where says, (tho' Mr. A. affirms he does) *that it was merely for appearing and making Suits in Cardinal Wolsey's Courts.* In other places of his History he says in general, that it was for submitting to his *Legatine Authority.* And I wonder Mr. A. should be so disingenuous as to take no notice of this, when in one of his own Citations from the Bishop's History, there are these Words, *The Clergy were brought under a Præmunire upon their acknowledging Cardinal Wolsey's Legatine Authority:* which is the very Reason Mr. A. himself Affigns.

p. 18.

p. 80.

p. 405.

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